GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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WEDNESDAY

APRIL 26, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Mary Vogle	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.
Marie Sansone, Esq.

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P R O C E E D I N G S

10:24 A.M.

CHAIRPERSON REED: Good morning. Pardon our delay this morning. There were Board Members that we had to talk to prior to us coming out on the dais.

Can you hear now? All right, again, I said we apologize for the delay. What we're going to do is start with the first case of the morning and then we're going to take a short recess and then we'll start with the George Washington Campus Plan.

The hearing will please come to order. Before we get started, let me preface my opening remarks by saying that we expect everyone in this room to conduct themselves in a correct and police manner and to adhere to the decorum and protocol that is expected a hearing of this nature as such.

Anyone who persists upon yelling out from the floor or interrupting these proceedings in any way, shape, form or fashion today, we have no choice but to ask you to leave. So we'd like to kind of set those ground rules in the beginning.

Thank you.

The hearing will please come to order. This is the April 26th public meeting, hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Sheila Cross Reid, Chairperson. Joining me today is Robert Sockwell, Rodney

Moulden, representing the National Capital Planning Commission; Ann Renshaw, and representing the Zoning Commission is Carol Mitten.

Copies of today's hearing agenda are available to you. They're located to my left near the door. All persons planning to testify either in favor or in opposition ought to fill out two witness cards. These cards are located at each end of the table in front of us.

Before coming to speak before the Board, please give both cards to the reporter who is sitting to my right.

The order of procedure for special exception and variances is (1) statement and witnesses of Applicant; (2) government reports, including Office of Planning, Department of Public Works, etcetera; (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.

Cross examination of witnesses is permitted 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 for any materials specifically requested by the Board and staff will specify at the end of the hearing exactly what is expected.

The decision of the Board in these protested cases must be based exclusively on the public record. To avoid any

appearance to the contrary the Board requests that persons present not engage members of the Board in conversation.

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

At this time the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today such as a 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 or you believe that the Board should not proceed, now is the time to raise such a matter.

Are there any preliminary matters? Does staff any preliminary matters?

MR. HART: No, Madam Chair.

CHAIRPERSON REED: Thank you, let's proceed with the first case of the morning.

MR. HART: First case is Case No. 16569, Application of the World Plan Executive Council/The Kingsbury Center, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W., that is Square 2711, Lot 802.

Those persons planning to testify, please stand for

the oath. Please raise your right hand.

(Witnesses were sworn.)

VICE CHAIRMAN SOCKWELL: Madam Chair, I feel that there's a need for me to disclose to this Board and the hearing that I found out recently that my sister-in-law, that is, my brother's wife is a Member of the Board of Directors of this Kingsbury Center. I know absolutely nothing about her role in the center and only became aware of it and my only knowledge of the center is that which is in our hearing package. As far as I'm concerned, I would be able to hear this case without any pre-conceived issues and would be fair and impartial.

CHAIRPERSON REED: Is there any objection? Unless there's any objection from anyone who is concerned with this case, then we will proceed, a little disclosure matter.

MS. GIORDANO: Thank you very much. Good morning, Members of the Board. My name is Cynthia Giordano. I'm with the law firm of Linowes and Blocher. And I, too, happen to be a Member of the Kingsbury Board this morning, so I took the oath and I may be testifying from time to time. I just wanted to let you know my relationship is a little different to this case than the usual.

To my right is Carolyn Thornell. She is Executive Director of the Kingsbury Center. To my left is Cal Bowie with Bowie, Gridley Architects and behind us Erwin Andres who is with Grove Slade, the transportation consultants for this project.

These three persons will be our witnesses this morning.

Cal Bowie, I think, has been accepted by this Board previously as an expert in architecture and Erwin Andres has also been accepted as an expert in transportation planning, so I ask that you acknowledge that expert status that these witnesses have.

CHAIRPERSON REED: Okay, hold on one second. How many people here today are here for this particular case? Okay. How many of those are in opposition? Is there any opposition? Okay. There was a request for party status.

Can you come forward, please?

MS. FERGER: Good morning. I'm Kathryn Ferger, President of the Carter Baron East Neighborhood Association. We requested party status in this case.

CHAIRPERSON REED: All right, we did receive your request and we have reviewed it and do any of the Board Members have any objection to this particular association receiving party status?

Okay. You're the representative or -- you're the President?

MS. FERGER: President of the Association and our boundaries go from Decatur to Longfellow, 16th to 13th Street, so this property is right in the center of our neighborhood.

CHAIRPERSON REED: Typically, Ms. Ferger, we require that there is some authorization or some letter that would give you, like from your organization that would designate you as

their representative.

MS. FERGER: I am the president. I didn't realize that and I signed the letter requesting status.

CHAIRPERSON REED: I understand that. You probably didn't know. Nonetheless, we ask that you submit such a letter for the record.

MS. FERGER: Okay, I can do that.

CHAIRPERSON REED: We request that. We want to have the right people in front of us.

MS. FERGER: Signed by the other officers?

CHAIRPERSON REED: That would be the condition.

Okay, thank you very much.

MS. FERGER: Thank you.

CHAIRPERSON REED: Ms. Giordano, we have read the materials that have been submitted and we have no opposition, basically, so we would ask that you expedite and just give us the salient points and we can get through relatively quickly.

MS. GIORDANO: Okay, we will do that. There is one issue in the case which is parking, where there's been some difference of opinion in the community about that, so we will address that. I'd like to submit for the record now a revised site plan, if I might. It's two pages. The existing site condition and then a revised site plan which is different than what we submitted before. The difference is primarily in the layout of the parking and the number of parking spaces.

CHAIRPERSON REED: What would be very helpful, Ms. Giordano, is if you can demonstrate to us in your presentation here this morning how you are reconciling that parking issue in regard to the fact that you have ANC requesting so many parking spaces and then the Carter Baron Neighborhood Association requesting another number and then you're requesting another number all together and what you proffer to us as a resolution to those three different figures as to parking.

MS. GIORDANO: I just want to also mention at the outset that we have amended our application in the supplemental submission to a maximum of 300 students from 400 which was originally requested, and 138 full-time equivalency staff as opposed to 200. What we're proposing for parking at this point is 95 spaces.

CHAIRPERSON REED: You reduced. You were 124?

MS. GIORDANO: Right. There's the ANC recommendation, was 35; the Carter Baron East recommendation was 124; Office of Planning was 92; and we're proposing 95. We were trying to basically comply with the Office of Planning recommendation, but in the layout of the spaces it made sense to keep three extra and I'll let Cal Bowie explain that in a few moments, but so we're pretty much in conformance with the Office of Planning and in between the ANC recommendation and the Carter Baron East recommendation, so I think it's a good compromise position and it works for us.

I'd also like for Carolyn Thornell to justify, basically, the need for that amount of parking. There's a very strong parking on the Kingsbury Center that the 95 spaces are absolutely essential to the operation of their center there and she will explain that in her statement. But first, she's also going to provide a little bit of background about Kingsbury. I know you've read the materials, but I think it's appropriate that she introduce the Kingsbury Center to you. And also, she's reminding me that I neglected to mention that also in our supplemental submission we indicated that we're no longer proposing any new construction on the site. The initial application mentioned that we had intended to build a gym or a multi-purpose room on the site, but we have withdrawn. In the future, we may do that as the school grows and we have older high school students, we may need that. But we're just not prepared at this time to design that building and we don't have it financed so we're not proposing that as part of this special exception.

So with that I'll ask Ms. Thornell to provide her statement. I've also submitted it in writing to you.

MS. THORNELL: Good morning, Members of the Board. I'm Carolyn Thornell, Executive Director of the Kingsbury Center. On behalf of the Kingsbury Center I want to thank you for the opportunity to appear before the BZA this morning. Kingsbury Center is the oldest, nonprofit, educational institution in the Washington area that addresses the special needs of young

children, adolescents and adults who experience learning difficulties. It was founded in 1938 by Marian Kingsbury, a pioneer in remedial education, and provides educational, diagnostic, psychological, consultative and tutoring services to hundreds of individuals each year through the Kingsbury Day School and two ancillary divisions, diagnostic and psychological services and tutoring services.

I'll tell you just briefly something about Kingsbury's mission and program overview and our activities in the community and I will try to be brief. The goal of the Kingsbury Day School is to provide an appropriate and stimulating academic program for children with learning difficulties that assists them in learning compensatory skills to enable them to function independently and effectively in elementary and secondary school and college.

Currently, KDS, as the Kingsbury Day School is known enrolls 100 students ages 5 to 14, of average or above average cognitive ability with learning disabilities and helps them to reach their potential in an academic setting. We have a very low student-teacher ratio, 8 students and two teachers per class. We offer one on one group work, multisensory teaching, full complement of co-curricular classes, including art, music, drama, phys. ed., most of which have to take place off-site at our current location and our related services which include occupational therapy, speech and language remediation and

psychotherapy when needed.

We have a tutoring division which trains its own special tutors to work with children and adolescents with learning difficulties. They also tutor children who are not currently enrolled at KDS.

Kingsbury's diagnostic and psychological services division, our third division, administers diagnostic tests and provides therapy for KDS children and others referred to the center because they appear to have learning or attentional difficulties.

Of the hundred students we currently enroll, 69 percent are male, 31 percent are female; 82 percent are from the District of Columbia; 15 percent from Maryland and 3 percent from Virginia. Ethnically they are 46 percent African-American, 47 percent Caucasian, 5 percent Latino-Hispanic and 2 percent Asian-American or other ethnicity.

Of the 88 children who have their tuition by respective school districts under the federal law which provides for such funding in the event that the public school jurisdiction cannot offer services required by the child's IEP, of those 88 children, 80 are from D.C. public schools and their tuition is paid by DCPS.

In the District of Columbia community, Kingsbury has played a leadership role in developing and operating programs for at risk children and adolescents as well as providing

enrichment programs for professionals. We have developed the teachers and tutors program to increase the effectiveness of teachers in educating mainstream students with learning difficulties in selected D.C. public schools, including Brightwood which is in our neighborhood, Garrison, Martin Luther King, Jr., and Cleveland elementary schools. We receive funding for this program now from foundations and we put our tutors in the classrooms identified by the principals and help these teachers become more effective in identifying learning disabled children and teaching them strategies for learning that will help them to be successful students and help them to be able to stay in that mainstream classroom, as opposed to being referred to special education.

We have already met with the principal of West Elementary School which is just across the street from our proposed site about the possibility of implementing the program in his school. We have a letter from him as well as from the principal of Brightwood expressing the hope that our teachers and tutors program will be implemented in their schools and I do have copies of those letters here with me today.

We also provide as much financial assistance to economically disadvantaged youngsters who need tutoring or diagnostic testing because they're having trouble in school. During 1998-1999 over $82,000 in grants and internal funding supported the center's program of testing and tutoring for

economically disadvantaged children. This figure includes the center's waiver of more than $9,000 in admissions, testing fees for children applying to independent schools.

Our volunteers offer their services in schools around the city. A number of them, D.C. public schools, and they give of their time freely or at greatly reduced fees when children appear to need the tutoring because of their economic circumstances. Additionally, we offer symposia, lectures and workshops on issues that will help the community understand learning disabilities and attentional disorders better. These are open to the public and many of them are free of charge.

We have been looking for a long time for a new facility because our current facilities in the Sheridan/Kalorama section of Washington are seriously overcrowded. There's no outdoor play area on site and off street parking is severely limited. Each year for the last five, the increased demand for enrollment at KDS has resulted in more and more creative attentions to carve space out of our already limited existing facilities.

As a result, the classrooms have become increasingly crowded and the centers programmatic and administrative offices have been squeezed to the limit. Similarly, families seeking diagnostic and remediation services are experiencing several months' wait because enlargement of our staff would require additional space.

We've been looking for an appropriate, affordable location since 1997. The option of expanding our current facilities has been ruled out for two reasons. First, the buildings would require such extensive renovation that it would be senseless to undertake that task, and second, the high density residential buildings in the area do not lend themselves to school use without resulting in adverse impacts on neighboring residential uses.

In seeking a new facility, the Board and administration of Kingsbury were committed to staying in the District of Columbia and continuing its long history of serving D.C.'s residents. The Board of Trustees and administration of Kingsbury assured parents and staff that every effort would be made to find a facility that was first centrally located in the District; second, had ample green space so that the children could play on the premises and third, offered adequate parking space on the site. The Dixon Mansion, centrally located in D.C. at 5000 14th Street, N.W., with more than 57,000 square feet of space on nearly four acres of land, ideally suits Kingsbury's criteria for a new facility. An enlarged Kingsbury Day School will fill a desperate need in the District of Columbia and surrounding jurisdictions. Many more students in the District alone are learning disabled, an estimated 1 in 5 children than can be properly served in the existing special education schools. An estimated 5,000 children have been identified as being learning

disabled in the District and more have not yet been diagnosed. One D.C. based public school with 150 children and one independent school with 310 spaces are the only ones in the District of Columbia dedicated exclusively to learning disabled children. The same shortage of spaces for learning disabled children is evident at our own school. The rate of applications to Kingsbury Day School has grown steadily since 1994. Since the 1996-1997 school year, Kingsbury has been able to replace its average 15 students who age out of the program, plus increase student enrollment from the existing applicant pool and still have a year round wait list. We have four to five applications for every available space.

While KDS enrollment is 100 today, we project growth to 266 students by fiscal 2007 and to a maximum of 300 students within the subsequent three years. Kingsbury's concept for growth also includes diversification of its program. We will be expanding our middle school program following location to the Dixon -- well, we've already expanded that and following relocation to the Dixon Mansion, we will also begin a high school program with our own students who have reached that grade and others who are aging out of other programs in the area or seeking a more suitable placement.

Further, the proposed move to Dixon Mansion will allow Kingsbury's diagnostic and psychological services and tutoring services divisions to expand and accommodate growing

requests for their services.

Finally, the purchase and renovation of Dixon Mansion will enable Kingsbury to remain in the District and conveniently serve the D.C. community.

Now to the matter of parking on site. As noted earlier, adequate on-site parking was one of the criteria set by Kingsbury's Board and Senior Administration for an acceptable new facility. We were delighted with the Dixon Mansion because it clearly could accommodate on-site parking for faculty, staff, parents and visitors. Had this not been the case, it is likely that the Board would have had serious reservations about proceeding with plans to purchase the building. There were some sites that we saw that simply were not acceptable because we could not park on the premises.

We arranged to meet with the Carter Baron East Neighborhood Association, CBENA, to determine the interest and concerns of the immediate neighbors of 5000 14th Street. We also sought to learn from the ANC single member district representative of 4C02 if there were concerns that others in the ANC might have. All indicated that traffic and parking were the major issues. We met twice with CBENA, once with its traffic subcommittee and once with the ANC. With respect to parking, the expressed concern was that neighbors not be inconvenienced by our staff's parking on the street. We increased on-site parking from an original site plan that had 88 spaces to 124 spaces which met our current and future

parking needs and addressed the concerns of the neighbors and had a little excess. The parking was configured in a manner that was acceptable to CBENA and to us. We committed to leaving as many trees and as much green space as possible and to having a Kingsbury liaison to CBENA to discuss such issues as landscaping.

We were therefore surprised at the ANC meeting to hear requests that the parking should be severely reduced in order to preserve trees and that the staff should park off-site. The suggested parking venue was Carter Baron. We could not agree to that without reviewing the proposal in detail, but we did say that we would consult with our Board Members and administrators about this matter. After this review and consultation it is clear that off-site parking or parking at a level well below our needs is not acceptable to Kingsbury. Our long struggle with parking at our current site clearly points to the reasons we need on-site parking and the importance of such parking to Kingsbury's ability to thrive and grow.

We offer a comprehensive services program with staff and providers who are both full and part-time and are in great demand. We will lose many part-time staff if they must park a distance from the school and walk both ways, thus adding to their time at Kingsbury. Their schedules are such that they cannot lose this much time and satisfy their other obligations.

Schools in the metropolitan area, especially

special education schools, are facing a well documented teacher shortage. Kingsbury, therefore, is in a very competitive market to attract qualified teachers. Unfortunately, our teacher salaries at the highest level we can afford are much below those offered by DCPS and other surrounding public school systems. Our teachers who have master's degrees and 10 to 15 years' experience earn approximately the same as beginning teachers in D.C. and other neighborhood jurisdictions with only a bachelor's degree.

Parking is an amenity that helps them to compensate for the low salary. Offering salaries in the range that we can afford and then having parking at a distant location would cause us to lose both prospective and current faculty.

Parking on the street would disturb the neighbors. Parking at Carter Baron is entirely too far away. Further, it is not always available. For example, during tennis tournaments or camps. And we are a year round, virtually, year round program.

In addition, 90 percent of our staff is female. There's no metropolitan area neighborhood, including this one, in which men or women would feel safe walking to a parking site in darkness, which four to months of the school year are, especially one located in the midst of a poorly lit, wooded area. Parents and visitors who come to our site to participate in their children's school program or to have testing and tutoring from members of our staff need to be assured of parking or they will not come. And they certainly would not park at the proposed site,

leaving them either on neighborhood streets or in the case of visitors choosing to go to another organization for testing or tutoring. Further, our ability to attract parent volunteers to enrich our program would be seriously limited by the proposed parking restriction.

The success of our program at the Dixon Mansion site depends on our ability to grow for the variety of reasons mentioned off-site parking threatens our ability to grow and to derive the revenues needed to cover the costs of financing this property.

I want to reiterate, we are committed to working with the community on landscaping and other germane issues. We are also committed to keeping to a minimum trees that would be cut down and to adding appropriate trees and shrubs to the property. We are pleased to see that the Office of Planning has recommended 92 parking spaces. This approximate number is acceptable to Kingsbury.

Thank you very much for your attention. I'd be happy to answer any questions if this is the time that you ask them. I'm not sure.

CHAIRPERSON REED: Board Members, are there any questions for this witness? No question. We'll get into that in a second.

Ms. Giordano, your application is for a private school?

MS. GIORDANO: That's correct.

CHAIRPERSON REED: I see in the submission and in many of the papers before me that you're applying under a 205, Section subsection 205?

MS. GIORDANO: Yes.

CHAIRPERSON REED: But private schools are under subsection 206?

MS. GIORDANO: Okay, that's a typo. I apologize.

MR. HART: It's 206 in her original application.

CHAIRPERSON REED: I see, the application says 206 but in your submission it's 205. And then also I think on the agenda is it 205? Mr. Hart?

MR. HART: It's 205.

CHAIRPERSON REED: It's 206, for the record. We want to be clear on that.

MS. GIORDANO: Thank you.

CHAIRPERSON REED: All right.

MS. GIORDANO: Would you like to proceed with Mr. Bowie's presentation or do you have questions for Ms. Thornell?

CHAIRPERSON REED: For right now, we'll proceed. We'll waive.

MS. GIORDANO: All right.

MR. BOWIE: Good morning. My name is Cal Bowie. I'm from the architectural firm of Bowie, Gridley Architects. I'm delighted to be here today to briefly take you through this

building and site.

The first exhibit that we have for you is site photographs. The first board located to my left here is the surrounding neighborhood. One of the things, let me say first of all, that I've looked at this site for I think seven different users, potential users, over the last eight or nine years and Kingsbury is an excellent fit to this site in a lot of different ways. It is a wonderful piece of property and a wonderful building and it will be great to see it put back into a productive use within this neighborhood.

One of the characteristics of it, of course, is that it is set in a residential neighborhood on three of the sides and then against 14th Street on the other. These site photographs, the one in the upper left hand corner of my first board shows the south borderline which is actually against the alley of the adjoining houses on the southside which is Emerson Street and then on the back along Piney Branch Road where there are really large tracts that are open and residential properties again, that's the west side of the site. The north side is against Gallatin Street, wonderful houses along that, well set back, wide streets, really a lovely neighborhood setting. And then 14th Street has houses along part of the front which is the eastern border of the property and the elementary school directly across from the building, its entrance. And 14th, of course, is the more busy of the streets that surround the property.

The second board shows the building itself which again is really a wonderful old structure built in the 1920s. It was originally a home for elderly men and the first upper left hand corner shows looking at it from the 14th Street side on the south end of the building. It has porches on either end and a central portico which is the main entrance showing in the middle photograph. And then the north end matches more or less the south end of the building.

In the back against Piney Branch Road-side, there is a freestanding, really what's almost a house behind the building separated from it, it's actually a large multi-purpose room with spaces above and a cafeteria and there's a courtyard created in the back which really, as you'll see in the site plan, create an ideal area for a play, an enclosed play area.

There are two possible places for play areas. One is on the south side of the building that exists in the back and the other is a much more enclosed courtyard area that's really behind the sort of free-standing multi-purpose building. I'm going to come back -- I'm going to go through the interior of the building very quickly and then come back to the site plan and the site circulation.

MEMBER RENSHAW: Does the connector between the building in back and the main building exist now?

MR. BOWIE: Yes, it does. Starting actually on the left hand -- on the right hand board which is the first floor

level, one of the nice things about this building is that it actually has great bones for this use and for these kind of -- creating the kinds of spaces that Kingsbury requires. There's essentially a central hall and there are entrances at the ends as well as at the middle of the building.

The central entrance will be the entrance to the school itself and testing functions and other support functions, more or less, will enter from the north end of the building. They're color coded here in terms of the school's support uses and the actual teaching uses on these drawings. These drawings show the full build out of the existing 57,000 square feet. As the school moves in they require 40,000 initially and during the occupancy when their population escalates up to the 300 that's requested, they'll be doing more or less continuous construction to -- but probably in pieces over the summers and in other times after the initial occupancy takes place.

Largely, the first floor would have classrooms, multi-purpose spaces and testing. The connector gives you the multi-purpose room in the back and that would be reconfigured to accommodate arts functions, largely in the back.

The second floor would be all classroom spaces with some of the, again, testing and support functions on the north side of the building.

That's the basement, excuse me.

And likewise, the second floor plan which matches

and there is an upper story in that back building on half of it which would end up as administrative space probably in the end.

The one change to the envelope of the building that we're proposing essentially is in the upper floor which is the third story. Right now what exists all along the front and the back are deep dormers and what we're proposing to do is in the back and the center of the building is to connect those dormers into larger dormers which will allow the creation of classroom spaces on that floor, all with appropriate ceiling height. It's a relatively minor change only in the back of the building and really won't be visible from the front and the architecture of those dormers will be consistent with the architecture of the balance of the building. It's easy to do because the roof is so high that the dormers will still work quite nicely with the back of the building.

So those are basically the interior plans. The other things obviously that have to be done on the interior building are two new stairwells, an elevator, handicapped accessibility ramps on the exterior so that the building will all be ADA accessible and new bathrooms throughout. A large part of the fabric of the interior building, of the building will be maintained as smaller support teaching spaces and support spaces. This was built as really essentially dormitory spaces, but when you take out one wall between two of the existing rooms what you end up with is a room that's perfectly suited to the size, class

and teaching facility of this school which is much smaller than an average school, so the rooms still are smaller than a room that would contain 20 kids, for instance, and two teachers.

Turning now to the site plan, as proposed, currently proposed. The left hand drawing exhibit is the existing site plan and one of the interesting things about this site is that the basic infrastructure of roads and entrances already exist and we're proposing to maintain all of the entrances right where they are. There are four gates to the property right now, two that are on Piney Branch Road to the east and two that are on 14th Street to the west. Erwin will talk in more detail about the car circulation when he makes his presentation, but the basic ring road that exists all the way around the building on the inside is actually well back and leaves all of the transportation issues well insulated from the adjoining neighbors on the three of the four sides.

And that's really where we're proposing to keep the circulation. It provides enormous flexibility in terms of how you can operate the traffic pattern on the internal side and it provides really wonderful opportunity for creating the parking at the level that we're proposing.

One of the characteristics about the site that's particularly important to the school, as Carolyn said, is the trees. There are wonderful, mature trees on this property and we anticipate working very hard to preserve as many of them as

possible. Regrettably, some of them are not in the best shape and the school anticipates working with an arborist to identify the ones that have to go and perhaps reconfiguring the site plan in minor ways to allow the preservation of trees where we can, once we have an actual site survey and a full understanding of the condition of each individual tree.

Beyond that, of course, the school, as Carolyn said, is committed to working with the neighborhood to provide appropriate landscaping for the new parking that goes on the property to keep it the wonderful kind of rural site that it appears to be today within the gated walls.

The right hand site plan shows the parking configuration as it's proposed today. There are 95 spaces proposed in this plan as it exists. The north entrance on 14th Street would be considered a vehicle -- two entrances are vehicle entrances and two are vehicle exits. The north one would be an entrance and an exit and the north one on Piney Branch side and likewise, on the opposite Farragut Street in the back would be an entrance on Piney Branch and an exit on to 14th in the front. So there are two entrances, two exits. There's one on each side of the building and the ring road would be basically expanded to allow two-way traffic around the body of the site and parking.

The other things that are also created on the site are a play area along the north border which is largely open. The trees that are on this northwest portion of that end of the site

are the ones that are perhaps in the worse shape. A lot of them were damaged in the storm a good number of years ago and there are still large pieces of them that are down and they're probably the ones that look like they're in the worse shape. That's where we're proposing to make a more or less open play area which would be about 80 by 200 square feet and fenced with a low fence on the interior and the existing fence along the road with landscaping.

As I said, the other playground area for the younger kids would be inside of the ring road which again is a wonderful thing about this particular site and there's also the small courtyard between the building which is an opportunity for yet a third play area for different ages of children on the property.

The major thing that we discovered as we looked at this site is that really the best place to put the body of the parking area, the large body of the parking is along 14th Street. That sits considerably lower than the building. The building is raised up on essentially on a plinth along that side and the parking can be slipped in there and be below the height of the building so that the building will still sit above it from the 14th Street side. What we're proposing is a parking lot out there that has about 35 spaces in it across the front and some would be parallel parking, some would be head in parking and two way circulation through the middle.

Again, one of the issues that's been a source of

concern is a grove of trees that exists at the southwest corner of the site and when we survey more directly we will work as hard as we can get the driveway to go in there and preserve as many of those as possible.

The other aspects really are adding handicapped accessible parking spaces near the front entrance and also, I think, bicycle racks and a handicap ramp at the front to allow accessible access to the building which is really raised up by about eight steps.

I think those are the major components of the site plan and I'm happy to answer any questions.

VICE CHAIRMAN SOCKWELL: Mr. Bowie, you suggested that the grove of trees is at the southwest corner?

MR. BOWIE: This one right here.

VICE CHAIRMAN SOCKWELL: And I think you meant southeast corner.

MR. BOWIE: Yes, I did.

VICE CHAIRMAN SOCKWELL: From my impression, the original site plan proposed that most of the parking on the south end of the site would be pushed to the outside of the ring road. At this point, you've pushed it to the inside of the ring road, apparently allowing for somewhat more sensitivity to the adjacent neighbors to the south and it appears that the future parking area that was proposed in the original site plan has been eliminated?

MR. BOWIE: That's true.

VICE CHAIRMAN SOCKWELL: Which would have wiped out most of the existing vegetation in the area of those same homes?

MR. BOWIE: That's correct. See, there's actually quite a bit of grade change, interestingly enough, that happens with those trees and cutting a parking lot in back there was going to certainly affect those trees even though on the surface initially it appeared we could do it. You were going to end up with retaining walls and the area in the front, really, there aren't any trees over the vast majority of that area and it's really a much better, less invasive site for parking.

VICE CHAIRMAN SOCKWELL: I assume that the renewed sensitivity to the landscaping and existing vegetation was partly the result of the ANC's objection?

MR. BOWIE: Certainly it was part of the conversation.

VICE CHAIRMAN SOCKWELL: And if the way the parking is designed right now, you're showing 95 spaces capable and there will be a question raised later on for parking and it will be discussed at that time.

MR. BOWIE: Okay, thank you.

MEMBER RENSHAW: Madam Chair?

CHAIRPERSON REED: Yes.

MEMBER RENSHAW: I would like to ask Mr. Bowie about the play field on the right hand side. Could you tell us how that is going to used and the ages of the young people who

will be using it?

MR. BOWIE: I think I would like Carolyn, actually, to answer that question.

MS. THORNELL: I am here today also with the Director of the Day School and she can amplify on this, but the play field would be for more organized physical education activities, but its usage would vary during the course of the day for some activities for younger children, it would be appropriate for them to use it during part of the day, but then as the children get older and P.E. activities take the shape of more organized sports some of the activities associated with that P.E. training would be on that field.

May I ask my Director to add to that? This is Marlene Gustafson. She's the Director of the Day School portion of the Kingsbury Center.

MS. GUSTAFSON: As Carolyn said my name is Marlene Gustafson and I'm the Director of the Kingsbury Day School which is one part of the Kingsbury Center and Carolyn described the usage of that area exactly as we would have intended to do that. As our kids get older, they require more rule based, strategy based types of games and that would occur on a different site or a location within the structure. But as it concurrently is conceived the play field is designed for our younger children who would need to have more socially-based games as well as recess types of activities, outdoor play activities.

MEMBER RENSHAW: What are the hours when that play field is going to be in use and will it be 7 days a week or 5 days a week?

MS. GUSTAFSON: It's 5 days a week. Actually, Monday through Thursday, we have full days within our program and the time of highest use would be roughly between the hours of 10 and 11 in the morning and then after our lunch period which would be from about 12:15 to 1 o'clock in the afternoon. And then on Fridays there would be only a midmorning recess.

MEMBER RENSHAW: What kind of noise buffering are you going to do because you're right up against Gallatin Street and you described Gallatin Street as being the lovely neighborhood that it is and I see that you have trees on your plan. Are you going to do anything else to provide some kind of noise relief for the neighborhood?

MR. BOWIE: The size of the area that gets developed there is really only 80 by 200 feet. It's not a regulation playing field by any stretch of the imagination. What I anticipate along that side is really planting some low plantings behind the iron fence and some trees that would be higher as well and that that would provide some degree of buffering to the adjoining houses across the street. They are actually quite a ways across the street. It's a comfortably wide street. It's probably 60 or 70 feet from the fence line to the other side.

MEMBER RENSHAW: Well, little children and then

soon to be big children's voices can carry and I'm just sensitive to the fact, I live near a school and I'm sensitive to the fact that we can hear them blocks away, so in any case, the screening, you've got your trees and then you've got an outside fence. Is it an open fence or is it a brick wall?

MR. BOWIE: It's an iron fence. It already exists on the site today and I would think we would probably end up planting upright compact evergreen.

MEMBER RENSHAW: But you would be receptive, the school would be receptive to working with the neighbors should there be a complaint about the noise, some kind of mitigation measure that you would consider seriously?

MS. THORNELL: Yes, at the time that CBENA voted on supporting Kingsbury's attempt to get a special exception, we agreed as one of the conditions that there would be liaisons from Kingsbury to the Carter Baron East Neighborhood Association and a liaison from CBENA to Kingsbury so that there would be a ready channel of communication should any issues come up so that we could sit down and explore these issues before they got to the point that they were a problem.

MEMBER RENSHAW: Will this area be open for the neighbors to use over the weekend and are you planning to lease it out to any group?

MS. THORNELL: We really did not in any of our discussion with the neighborhood get to the question of whether it

would be available. I think for security reasons we would lock the gates on the weekend unless there was some way to arrive at some way in which it could be open. I mean we're not opposed to it, it really hasn't been discussed. If we can maintain security and maintain the property in the condition that it will not attract people who would be detrimental to either the property or to the neighborhood, then I should think we could work out something, but that really has not been discussed.

MS. GIORDANO: Right, and if I can sort of add here, sort of playing witness, that at the CBENA meeting there was some concern about kids being attracted to another school located in the immediate vicinity and basketball games late into the night, so I don't think the neighborhood was looking to create that kind of situation here. I don't think that that's something they're particularly interested in. MEMBER RENSHAW: All right, and as far as leasing it to any other group for an organized activity or a fair or something of that sort, what is your feeling on that? What are your plans?

MS. THORNELL: Again, we have not really discussed that in full. We have not barred it, however. The question would be whether we could do it in a way that we would be able to control the activity and see that it was implemented in a way that made sense, whether it was for actual payment or for usage. Someone did ask at some point whether or not community groups might be able to use the property to hold meetings or something

and that is something that I certainly would have no objection to. If under the terms of our financing agreement and we are able to lease to other groups and I'm not sure that that would be the case, we would have to do so to sort of educationally orient a group and we could not really, since we're nonprofit organization we could not end up making a profit on these activities. I'm not barring them. It may happen, but it would certainly be under our control and very carefully watched.

MEMBER RENSHAW: Yes, because of the parking issues related to having other groups use your property.

MS. THORNELL: Absolutely. Now whether or not -- what I would foresee is that if it were feasible to make the property available to a particular group at a particular time, then we would have to oversee the security at that time and provide for parking at that time so that parking would not flow out on to the streets.

MEMBER RENSHAW: And would you be, would you accept the suggestion or the recommendation that you do so through the committee that you set up with the community so that the community has a feeling as to what outside groups are using the property and at what time?

MS. THORNELL: Yes. I am sure that there's some kind of structure that could be worked out. I don't think that it would be particularly efficient either from our point of view or the community's to have to go to them on each type of request that

we had, but I have no doubt that there is some way that we can work out parameters or some sort of schedule or just notification. Once we work out parameters, notification that this organization is going to be doing X or Y. Maybe one of our own activities, maybe we'll have a -- but never on a weekend.

VICE CHAIRMAN SOCKWELL: Other groups that have come before us have had plans in place to notify the neighborhood of principal activities to be held during the school term for any given quarter or however you handle that so that they would be aware of those times when there might be unusual impacts upon on street parking as a result of the activities at the given center. And it would be a good idea in community relations to have that kind of thing presented to the community, even if it's your responsibility alone to decide what the schedule might be.

MS. THORNELL: That would certainly be acceptable.

MEMBER RENSHAW: I wanted to ask Mr. Bowie also to give us a brief outline about the outside lighting for this property and can you tell us about how many trees you're planning to cut down?

MR. BOWIE: The issue of outside lighting, of course, is critical. All lighting that would be placed on the site would be downward directed and inward directed so that it doesn't impact the neighboring properties. We work on a tremendous number of urban sites, many that are much, much tighter than this and controlling the lighting and site lines to the

neighboring houses will be a part of the way that we resolve the issue on this property.

I would be reluctant to even guess what the number of trees will be because we really don't have a clear assessment of the condition of the existing trees. Certainly, I think, the school, the intentions are aligned with the neighborhood in terms of preserving as many of them as are practical and feasible to preserve.

VICE CHAIRMAN SOCKWELL: Mr. Bowie, just to let you know there may be a typographical error in the Office of Planning Report regarding this property. I counted 106 spaces as the minimum required under Chapter 21 of the ordinance. When you dissect the numbers in the OP Report, 97 spaces was stated with an additional 17 equalling 124 which was the original count, 17 and 97 don't equal 124; 17 and 107, which was my count as I assessed the requirements equals 124. So under the zoning ordinance, you are required to have 107 spaces under Section 206.5, I think it is. We are -- 206.3. We would not be able to reduce the parking count below the minimum required under the ordinance because for your particular use it states and I'll paraphrase, parking shall be provided, but not less than that required under Chapter 21 and that means 107 spaces.

CHAIRPERSON REED: Mr. Sockwell, Ms. Mitten would like to weigh in on this particular discussion.

COMMISSIONER MITTEN: I undertook to just verify

the minimum required number of parking spaces and I came up with 97, so we could compare notes on -- MR. BOWIE: Yes, the OP Report came up with 97 plus 17 equals 124.

COMMISSIONER MITTEN: But as the minimum.

MR. BOWIE: Yes, but what I'm saying is if they said that there were 17 spaces to reach 124, it is possible that what they meant was that 107 spaces is required and what they put into the report was that 97 spaces were required. What they did state -- that 124 was the result of the difference between their count as a minimum and what the applicant had proposed.

COMMISSIONER MITTEN: Maybe I'll just put on the record what I -- how I calculated the minimum number which is there's three different categories of sort of usage categories for parking in this case which is for elementary and junior high school students, of which there would be a maximum of 200 by the time that the 300 student maximum would be achieved. There's no parking requirement for that category of student.

Then the next category of student is high school student of which there would be 100 at the 300 student maximum. Parking spaces are required at the rate of one space per 20 seats which is five spaces.

Then the third category is for full-time equivalent teachers of which there would be 138 at the maximum. Those spaces are required at the rate of two spaces per three teachers which is a total of 92 spaces, adding the five spaces for the high school

students is 97 as the minimum parking requirements. So I just say that as how I calculate it in 1997 and anything else feel free to jump in.

CHAIRPERSON REED: I think that even though there is some disparity between the calculation of how it was calculated and the number of parking spaces, nonetheless, we will I think it would be prudent for us to allow the minimum amount of parking spaces which is required, whatever that number is, however it is calculated, be it 97 or 107, whatever is the correct number is the number that we'll utilize as to this particular application.

VICE CHAIRMAN SOCKWELL: And we can get clarification on that.

MS. THORNELL: From Kingsbury's point of view, 92 or 95 is the minimum that we --

CHAIRPERSON REED: But the only thing about it, Kingsbury is not the one who is making the determination. It is the minimum required by the zoning regulations and that, in fact, gives you more than what you really need, either way you go, so we'll make sure that that's done.

MS. THORNELL: I also wanted to say, however, more spaces are fine with us.

CHAIRPERSON REED: I would think so.

MS. THORNELL: I didn't put my sentence together well because --

CHAIRPERSON REED: We understand. We'll make sure

that whatever that number is, it will be accurately determined and it will be required to have that amount of parking spaces, somewhere between 97 and 107.

MS. THORNELL: I think we probably have a site plan somewhere for 107. We've got them all the way up to 124 from 95, so.

VICE CHAIRMAN SOCKWELL: I have a couple of more items. One, Mr. Bowie, with regard to the preservation of trees on the site, whatever -- well, for example, the Department of Public Works in public space trees requires the replacement of trees removed in equivalent caliper inches. That might be a difficulty to you, but if you could assess the caliper inches of trees to be removed as a real number and then look at trying to achieve something close to that in replacement trees it would help to give you some guideline for reforesting within the area and would probably be better than taking a 12-inch tree and replacing it with a 3.5 inch tree and assuming that that's making up for the removal of the 12-inch tree.

MR. BOWIE: Yes, I guess the only qualification I would ask is that there are a certain number of them are standing, but dead and that those would not be included in that kind of a calculation because they are enormous old trees and the number of them add up to -- some of them are --

VICE CHAIRMAN SOCKWELL: The dead trees, I can agree with that. The dead trees are no longer serving a useful

function.

MR. BOWIE: Right.

CHAIRPERSON REED: Are you done, sir?

VICE CHAIRMAN SOCKWELL: Yes.

MS. GIORDANO: We have one more witness, the transportation report. We can go through -- we've submitted it in detail. We can go through and just highlight it if that's what you'd like. He doesn't have to do a full-blown presentation.

CHAIRPERSON REED: He can summarize for us because we do have the report and give us his conclusions and recommendations.

MR. ANDRES: Good morning, my name is Erwin Andres and I'm with Grove Slade Associates. We've done work on several private schools within the District and I'm familiar with practices and planning on private schools and their functions.

Basically, just to give you a synopsis of what we've done, in terms of identifying the needs of the Kingsbury Center, we looked at existing conditions. Based on their existing conditions in the Kalorama neighborhood, they have very limited on-site stacking in that there is no on-site stacking. All the stacking associated with the school functions occurs on public streets. However, there is an extensive bussing program that accommodates approximately 66 percent of the school population, so 66 percent of the population would be -- is currently being transported to the site with the use of minibuses that are half-

size buses coming primarily from the District, but they're also buses from Virginia and Maryland also.

In identifying the needs, the transportation needs for the Kingsbury Center we looked at future conditions and looking at the site, one of the major benefits of the site is the fact that there is significant property to maximize on-site stacking. In addition, there are two entrances and two exits which will allow for the dispersion of traffic. In meeting with CBENA and the ANC, there was one traffic issue that was identified. Looking at the southeast exit, as I approach the board --

CHAIRPERSON REED: The question was whether or not -- what was your name again?

MR. ANDRES: My name is Erwin Andres.

CHAIRPERSON REED: Mr. Andres has appeared before us previously. I think that the firm Grove Slade was the expert witness and as such he's represented by Grove Slade and I felt comfortable with that because they have many times been before us, even though I don't know if this gentleman individually -- have you?

MR. ANDRES: I haven't personally.

CHAIRPERSON REED: Have not.

MR. ANDRES: No.

CHAIRPERSON REED: Okay. Did you submit your résumé?

MR. ANDRES: No, I haven't.

MS. GIORDANO: It was my misunderstanding. I thought that he had appeared. So can he orally present his qualifications?

CHAIRPERSON REED: I have no problem with that, just for the record, he had not before.

MEMBER RENSHAW: Could he submit his qualifications for the record?

CHAIRPERSON REED: And the Board Members would like for you to give your qualifications orally today and then submit for the record your résumé?

VICE CHAIRMAN SOCKWELL: Yes, it would just qualify you with regard to responses to questions raised that would need to be answered by a technical person and accepted as an expert witness for Grove Slade.

MR. ANDRES: So would you like a summary, an oral summary of my qualifications?

CHAIRPERSON REED: Please.

MR. ANDRES: I have a Bachelor of Science in Civil and Environmental Engineering from Rutgers University. I'm currently acting as the Project Director and Associate for Grove Slade Associates. I have been responsible for the management and technical work done on this project as well as several other private schools within the District that have been approved. Some of the schools that we have worked on consists of the Georgetown

Day School, the Washington International School, St. Patrick's Episcopal Day School. I've also worked on numerous master plans, campus master plans, including the George Washington University and Mount Vernon College master plan and also on many other private projects in the District, including the Sibley Memorial Hospital as well.

VICE CHAIRMAN SOCKWELL: And the date of your degree?

MR. ANDRES: May of 1994.

VICE CHAIRMAN SOCKWELL: Thank you.

CHAIRPERSON REED: Proceed.

MR. ANDRES: As I mentioned earlier, I'm going to approach the boards to go over quickly the access implications.

As Cal Bowie had mentioned earlier, there are basically a pair of entrances and exits that work throughout the site. The entrances consists of one on Farragut and one on 14th Street and the opposing pair of exits are on Piney Branch and on the south on 14th Street. There's a two-way circulation to allow for the access of all of the parking located along the ring road, however, in front of the school there's a one way access to allow for safe and efficient passenger drop off in front of the school. As a result, as parents approach from the west and the north, they will be entering into the site, dropping off and have the opportunity to leave on 14th Street or circulate through the site to leave on Piney Branch Road.

In meeting with the community representatives, there was an issue identified concerning the southeast entrance in that, as you notice, the alignment of the driveway is angled. It's not perpendicular to 14th Street. As a result, 14th Street becomes Iowa and it also becomes 14th Street, so there's a jog in 14th Street that is a concern for a lot of the residents in the neighborhood because Iowa comes into this intersection at an awkward angle.

In identifying that issue, the school will implement a right turn out only. No entrance, no left turns in and no right turns in will be allowed. In addition, no left turns out will be allowed. As a result, the safest use of this driveway is a right turn out only.

Another concern for this corridor, the 14th Street corridor is commuting speeds. As Carolyn had mentioned earlier, they are coordinating with the West Elementary School located across the street which is this property located on the board. In order to address the speeding issues along 14th Street, we are recommending to DPW the installation of school speed zone signs that have been, that are currently implemented in several areas within the District and we see it as an appropriate recommendation for this location as well.

VICE CHAIRMAN SOCKWELL: With regard to the traffic speed issue, you may be aware that the neighborhood residents have actually at times erected illegal stop signs to try to stop the

traffic, in particular, going north in the afternoons which DPW comes and takes down.

MR. ANDRES: Yes, there are federal standards in which DPW is responsible for identifying the need for speed mitigation in that location.

VICE CHAIRMAN SOCKWELL: And the number of accidents that have taken place along 14th Street in the neighborhood of that southeast entry exit point is what?

MR. ANDRES: We don't have that information. In identifying the recommendation for reducing the speeds in that corridor, we believe in reducing the speeds will help to reduce the number of accidents, especially during times of morning drop off and afternoon dismissal.

MEMBER RENSHAW: And what's the time of the morning drop off, just to coincide with the a.m. rush?

MR. ANDRES: Yes, it does. The morning drop off, the drop off period, I have to consult my notes real quick.

(Pause.)

The morning drop off, the school begins at 8:30 in the morning and the morning drop off usually starts from the time of 8 o'clock to about 8:30 where most of the traffic arrives in a 15 to 20 minute period before 8:30 and the school dismissal occurs at 3:15 and again, most of the pick up operations occur within a 15, 20 minutes before school ends as well and 15 to 20 minutes after school ends.

MEMBER RENSHAW: Point out on that map exactly where the school is nearby, the elementary school?

MR. ANDRES: It's over here.

MEMBER RENSHAW: Right on that corner?

MR. ANDRES: Yes, it is.

MEMBER RENSHAW: Have you worked out a or has the school worked out any kind of a traffic management plan because that school is receiving in the morning is receiving traffic and there are drop offs on that side of the street. Now there are drop offs on the other side of the street going into your property. And it seems to me that the two institutions should be working together on some kind of a traffic management program.

MS. THORNELL: My understanding is that West Elementary School begins at 9 o'clock in the morning and our classes start at 8:30 and so that in most of the entries into the school be between -- by 8:30. Classes start then, so there is dispersion from the property by then.

MEMBER RENSHAW: But West Elementary may be receiving students at 8 or 8:30 in the morning?

MS. THORNELL: At 8 or 8:30.

MEMBER RENSHAW: So I would suggest that the two institutions get together and work this out to have a coordinated plan because you're going to get a lot of commuter traffic through that and they're not going to want to -- well, let's say that it is my observation that they slow down for no one, so in any case,

they're going to have to have a police presence up there, I would imagine and that is something that the school obviously will be looking into.

I wanted to address a comment to your southeast entrance, right over there. It abuts the alley. Is the little leg that goes out onto 14th Street, part of the alley system?

MR. ANDRES: Yes, it is. The property line ends, the property line actually ends right here. This is public right of way.

MEMBER RENSHAW: So that is going to have to be maintained as two-way traffic unless otherwise marked by DPW?

MR. ANDRES: This is, the existing alley ties into this alley. This alley -- There are currently no designations of these alleys. The width of this alley is approximately 15 feet so it's conducive to only one way traffic.

MEMBER RENSHAW: But DPW is not going to enlarge that alley opening?

MR. ANDRES: No, they're not.

MEMBER RENSHAW: Now you say it's conducive to one way, but do the neighbors use it as two-way traffic? Do they access their garages from that alley?

MR. ANDRES: There's an alley located to the rear that doesn't access any of the facilities to the rear.

MEMBER RENSHAW: Yes, but you are going to have to keep that open for fire and emergency access?

MR. ANDRES: Yes, that access will be available for emergency access.

MEMBER RENSHAW: All right, but you're directing your people to exit that in a one-way fashion?

MR. ANDRES: Yes.

MEMBER RENSHAW: So you're going to be coming out of the school into that alley system and exiting and making it a one way use for a certain period of time during the day, the morning and the afternoon?

MR. ANDRES: Yes, that's correct.

MEMBER RENSHAW: And have you -- I have problems with that.

VICE CHAIRMAN SOCKWELL: Mr. Andres, if you notice the exit gate at that alley and alley connection with the extension of Iowa Avenue up to that point, that gate opens into and is shown at least in the drawings as closing off a portion of the alley width, would you not say?

MR. ANDRES: This gate over here?

VICE CHAIRMAN SOCKWELL: That gate.

MR. ANDRES: Yes, it does.

VICE CHAIRMAN SOCKWELL: So that gate really needs to be pulled back so that it would never open into the alley? Even graphically presented it doesn't look good.

MR. ANDRES: I'm not sure that that's correct. I believe it probably opens in.

But certainly, if it opens out, we'll reverse the swing on it.

VICE CHAIRMAN SOCKWELL: Then it should be relocated so that it does not open into the alley. That's actually not legal, even if it's existing.

MR. ANDRES: We'll certainly correct that if that, in fact, is the case. The alley is actually virtually abandoned. I mean it's almost --

VICE CHAIRMAN SOCKWELL: Well, one couldn't consider an alley abandoned unless the city closes it.

MR. ANDRES: I understand that.

VICE CHAIRMAN SOCKWELL: And not only that, it's the only way of access to the garages behind those homes. Abandonment would not sound good to the residents of the neighborhood if they thought that we were considering it as nearly abandoned, partially abandoned. It may be partially improved, but not nearly abandoned.

MR. ANDRES: Right. Partially improved would be a better --

MEMBER RENSHAW: But you're not going in for alley closing?

MR. ANDRES: No, absolutely not. No. We're just leaving the existing condition as it is. When you inspect it on the site, it appears to be virtually unused at this point. The gate may not, probably isn't drawn, opening the right way, in

fact, it opens in.

MEMBER RENSHAW: The gate should be on your property, right on your property line.

MR. ANDRES: The gate exists in the public right of way and has for presumably 20 or 30 years.

VICE CHAIRMAN SOCKWELL: It really shouldn't be there and you're a new user.

CHAIRPERSON REED: I think I understand you to say that whatever adjustments are necessary to make the correction will be taken care of?

MR. BOWIE: We will certainly make sure that the gate does not obstruct the alley.

CHAIRPERSON REED: Thank you.

COMMISSIONER MITTEN: Can I just ask a follow-up question to what Ms. Renshaw was asking which is the designation of the diagonal piece for right turn only, since that is public right of way, all of that, that's a DPW function to make that designation?

MR. ANDRES: In terms of controlling the school population, the school policy will be to allow that for -- to mandate that all of the school related vehicles turn right out of that exit. There's a possibility that residents in the neighborhood might use the alley for some reason to come through and the school doesn't have any control over them, but for the individuals that are associated with the Kingsbury Center, they

will be required to turn right at that exit point.

MS. GIORDANO: So the sign could be on our property. We're not trying to control anybody else's --

COMMISSIONER MITTEN: I am just wondering if -- you're making a recommendation to DPW about having this school zone speed limit arrangement and if that would be an additional -- it's clearly a good idea for everyone that they shouldn't be making left turns out of there, so if that could be added to the list of recommendations.

MR. ANDRES: Sure, we'll include that as part of our recommendations to DPW.

CHAIRPERSON REED: Okay. Thank you very much.

Mr. Moulden?

MEMBER MOULDEN: My question is concerning the circulation on the site and my general question is are the two main entrances to the site so the students can be dropped off off of Piney Branch Road and 14th Street?

MR. ANDRES: They will enter the site at those locations. The drop off point will primarily be in front of the school. However, there are also entrances on the north and the south side. The building to the west serves a different function, but the Kingsbury Day School is primarily this building.

MEMBER MOULDEN: With that in mind the parking that's adjacent to 14th Street, is that for faculty or visitors or both?

MR. ANDRES: It will be for both.

MEMBER MOULDEN: Okay. The reason why I ask that is because I think while parents may drop off the kids on 14th Street, some will enter the site and drop off their kids adjacent to the facility. That could cause some stacking in the parking area and to the traffic lane. There's about what, 40 -- 34 percent of the students will be dropped off by vehicles basically and 66 percent are bused?

MR. ANDRES: About 33 percent, about a third.

MEMBER MOULDEN: Okay. I was just concerned about the stacking along the school and possibly into the entranceway.

MR. ANDRES: Well, what we've done is part of our existing conditions, we identified what the existing queues are and we projected those into the future based on the populations and the future queue in the mornings is fairly low in that the maximum queue in the morning consists of six vehicles and 11 minibuses. The reason for that is in the mornings your pick up -- your drop off operations are fairly efficient in that you're not waiting for your child. Your child gets out of the car safely, escorted in and the vehicle leaves. So that turnover process occurs fairly efficiently.

MEMBER MOULDEN: As part of the traffic management will there be a person directing and managing the traffic at the drop off areas?

MR. ANDRES: Yes, well, Carolyn Thornell will

address that.

MS. THORNELL: Yes, one or more of the teachers or administrators of the school would be up front to receive the children and to keep the traffic directed.

MEMBER MOULDEN: For the safety of the kids, I thinks that's a good recommendation. Thank you.

MEMBER RENSHAW: Is there a sidewalk along the front of the property on 14th Street because I would imagine some parents are going to be dropping off their children outside of the fence.

MR. ANDRES: There is a sidewalk located on 14th Street. A majority of the students that are dropped off are of younger age students, so parents are a little more comfortable to pull into the driveway and drop off in front of the school.

MEMBER RENSHAW: How many students are going to be driving to school?

MR. ANDRES: There's a high school population projected in the future of 100 students. Of those 100 students, probably -- I'm speculating here, probably about a third who would be eligible to drive, would be of age to drive or maybe even less.

MS. THORNELL: I think as a matter of fact under the new D.C. law our school age, high school age population is going to go to 18 and under what I understand to be D.C. driving laws, most of the students in their school would not be eligible to drive and what we have talked about seriously is making it a

rule of the school since we do have the freedom to do that as a private school that students at the school could not drive cars.

COMMISSIONER MITTEN: Would you be willing to make that a condition of the approval in this case?

MS. THORNELL: We really haven't studied it at all sufficiently to be positive. I mean with the five -- if there is the additional five spaces to be allowed for kids, we would prefer that they not and I think that we do have the latitude, but I have not firmly fixed on all of the rules and regulations guiding the extent to which this can be controlled. That's the only reason that I'm hesitant to say that I'd be willing to make this a condition of the order. If I had more information I might well be willing to do that.

MS. GIORDANO: I think you have to take into consideration too, that Kingsbury right now doesn't have any existing high school students, so they just haven't been in this ballgame.

CHAIRPERSON REED: I think I would agree with you. It's kind of premature to make an assertion like that and for the life of the school, not knowing what circumstances might arise and perhaps another alternative to consider is you were saying, limiting the number of children -- parking spaces for the kids and may be a reasonable compromise. And they may or may not use them at some point in the future. But if you just completely take away children, the ability for them to drive at all that may cause

problems later.

MS. THORNELL: Yes, that seems reasonable to me. As I say, we've talked about, but we really have not studied the matter thoroughly because we -- are high school is probably three years off and we simply wanted to make sure we had enough spaces to meet code on that.

CHAIRPERSON REED: Given the fact that most private schools at a high school level, most of the children do drive, so --

MS. THORNELL: Some have restrictions about whether they can or what grades can drive or where they can park if they drive.

CHAIRPERSON REED: Yes, they have restrictions.

MS. THORNELL: Restrictions, so it sort of discourages it and this would be the sort of thing that I think we should probably look at in making a firm determination about what we're going to do when we have high school students. I think we would be happier if they didn't because we do have students who might be better served by not driving, some of them.

CHAIRPERSON REED: All right, let's move forward. You're done, Ms. Giordano, that's your list witness?

MS. GIORDANO: That concludes our presentation.

CHAIRPERSON REED: Thank you very much. We'll go now to Office of Planning Report. Excuse me, were there any questions, any cross examination by the ANC or by the Carter Baron

East Neighborhood Association?

MS. FERGER: None from the Association.

CHAIRPERSON REED: And is the ANC here? All right, thank you.

Office of Planning Report.

MS. VOGEL: My name is Mary Vogel. I'm a community planner with the Office of Planning with the Strategic Planning and Development Review Division of the Office of Planning. We're located at 801 North Capitol Street, N.E.

This application by the World Plan Executive Council and Kingsbury Center seeks special exception relief approval to establish a private school to be operated by the Kingsbury Center at 5000 14th Street, N.W., Square 2711, Lot 802. The subject project is located in an R-1-B with D-R-1 overlay district.

I think we've already established what the application is about, a maximum of 300 students and 138 full-time equivalent staff. The student enrollment and staff increases will ramp up gradually and I won't go through all the dates and all. I think that's already been covered here.

I want to move, first of all, go into our summary of our recommendation that the Office of Planning recommends the application be approved with several conditions. I think we agree with Mr. Bowie of Cal Bowie Architects that the Kingsbury Center is an excellent fit for this location and we were delighted to see

this application.

I'm going to go right into our analysis of the case. As I said already, the subject site is in an R-1-B district. The zoning regulations in Section 200.1 describe such districts as follows: the R-1 district is designated to protect quite residential areas, now developed with one family detached dwellings and adjoining vacant areas likely to be developed for those purposes. Subsection 200.2 further explains the provisions of this chapter intended to stabilize the residential areas to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted. Section 206 of the zoning regulations permits private school use within R-1 districts by special exception under certain conditions. Section 206.2 states the private school shall be located so that it is not likely to be objectionable to adjoining and nearby property because of noise, traffic, number of students or other objectionable conditions.

Subsection 206.3 requires that ample parking space be provided and in addition to these specific tests for private schools, the proposed use must meet the general test for special exceptions. According to Section 3104.1, those special exceptions will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to adversely affect the use of neighboring property.

So the following analyses of the Office of

Planning, we'll deal with these conditions in turn. Again, the property is in a diplomatic residential overlay zone and the purpose of this overlay is to permit chanceries of foreign countries to locate within the zone. The designation of the zone recognizes that the large size of houses tended to make them suitable for uses of a certain institutional character. We figured that actually this very property that probably warranted that zone here and the applicant's proposed site here has that kind of institutional character.

In terms of noise, again, although the playground and playing field are to be added to the site, we didn't feel that noise would be likely to be a problem because the site is really well buffered from residential uses by set backs, landscaping and parking areas. In addition, the fact that Kingsbury has agreed to designate a person to serve as a liaison to the neighborhood association to address any concerns, the residents have regarding the operation of Kingsbury also made us feel that this would be not a problem for the site. Or at least that problems would be dealt with. We felt Kingsbury has already shown quite a sensitivity to the neighborhood and we believe will continue to do so.

Traffic associated with Kingsbury is likely to be substantially less than a typical independent school because most of the students are transported to school by way of public school minibuses. Sixty-six percent of the existing students, student

population of 100 students currently use bus service from Maryland, Virginia or the District of Columbia to arrive at or department from the school and 80 percent of all students are from the District, actually there are now, it was testified that 82 percent is actually from the District.

I'm not going to go over what was already covered by Mr. Andres from Grove Slade in terms of the drop off and the queuing and all that, but I think I'll move right no on to parking. The applicant proposes to, at least in the original application proposed to provide 124 spaces which we calculate it to be 17 more than the 97 spaces which would be required under the zoning regulations and here again, we came using the formula, like Ms. Mitten, arrived at 97 rather than 107 because we did not include, we only included the additional classroom space for high school students only, not for the other grade levels and so I think we disagreed with the traffic engineer on that one. And I calculated 97 spaces that would be required under the zoning regulations. A portion of the zoning regulations with regard to parking is attached as Exhibit 2 and again, you can use those to do your own calculations. Briefly, they require two spaces per every three teachers. High school adds another space for each 20 high school classroom seats.

The Board of Zoning Adjustment, however, has the authority to reduce the amount of parking spaces required for nonresidential uses. Among other things, the Board may give

consideration to the quantity of existing public commercial or private parking, other than curb parking on the property or in the neighborhood which can be reasonably expected to be available when the building or structure is in use. So considering the fact that ANC 4-C hinged its support of the application on the very restricted

on-site parking and noted that a very large parking lot is available to the public free of charge only two blocks away by looking at the map, but whatever, four blocks, unrestricted on-site parking is permitted the full length of 14th Street and 36 parking spaces there appear more than sufficient to meet overflow parking needs. Now this is the part of 14th Street right in front of the school, not in front of anyone's home. Actually, some neighbors have pointed out that likewise, Gallatin Street has a whole portion that is only on school or next to the school property and not on anyone's home too, that that is largely unused. And that some of the proposed spaces will increase storm water runoff and require the cutting of several mature trees. In fact, these are quite majestic trees that we recommended some reduction in parking for that normally required by the zoning regulations, in fact, we suggested 92 spaces which would without the additional five spaces for the students would be what would be required under the zoning regulations and we figured that at least the students who drive could be asked to part at Carter Baron, if not the teachers. We were trying to accommodate to the needs of

the Kingsbury Center because we feel it would be such an asset to the community and I think that the majority of the community do too. And we did want to be sensitive to the recommendation of the ANC as well. I attended that ANC meeting and you know, the discussion largely centered around what a public school does in terms of its -- what one of the members of the audience was -- worked for a public school who had very restricted parking and a lot of the discussion got into that. During that discussion there was also a discussion of the need to preserve more of the character of the site, the applicants have testified to their willingness to try to do that too, to try to preserve some of the mature trees and all on the site, as many as possible.

So in order to meet ANC 4-C's concerns that greater effort be made to preserve the open space character of the site, the Office of Planning suggests that Kingsbury look at more ways to encourage alternative modes of travel to the single occupant motor vehicle, suggest that Kingsbury consider -- well, one of the things was bicycle parking and we were glad to see that in the new concept plan they did add, in fact, add bicycle parking, that they offer the staff the option of Metro checks rather than free parking, for example, and then assist the staff to develop shuttles from the closest Metro stations that could be figuring where people do come from and what Metro stations would be on the way, they might develop the kind of transportation management plan that Grove Slade is quite famous for doing private schools that

have more traffic issues than this particular area.

Anyway, in terms of number of students, as we've already said 80 percent or 82 percent of the students are D.C. residents today and a similar proportion is expected as the school expands. While Kingsbury's enrollment is 100 today, it projects growth to 266 students by Fiscal 2007 and to a maximum of 300 by 2010. The projected number of students is not likely to be a problem at this location which is nearly four acres in size and well buffered from the rest of the community. And other objectionable conditions -- neighbors have asked the opportunity to have continued input to the school on both lighting and landscaping and as you heard the school is willing to grant that.

Another neighborhood condition which we actually failed to put into the OP report, but I noticed that was in the Carter Baron -- the latest issue that I got of the Carter Baron neighborhood, Carter Baron East Neighborhood Association's request was for the school to look at environmentally friendly alternatives to asphalt for the parking and driveway surfaces. And that was also mentioned at the ANC meeting that night and it's also mentioned in a letter from a couple of the neighborhood residents, Laurie Emrich and Gail Murphy from 1405 Emerson Street, N.W. also ask that be added as a condition.

Anyways, as I've already pointed out, ANC 4-C has jurisdiction on Tuesday, April 11th. It voted to approve this application with conditions. One condition that differed in a

major way from Carter Baron East Neighborhood Association is parking. In order to achieve maximum environmental protection for the site, Commissioners wanted no more than 35 spaces to be provided on site suggesting that the school could use Carter Baron parking lot. The number of blocks hadn't been counted at that time. I mean they just kept saying a couple blocks away. A very large lot that is open to the public on a no charge basis, one of the neighbors at the ANC meeting requested Kingsbury consider porous paving for the parking areas in order to help better preserve the ecology of the site. And there was concurrence that this was a good idea to look into.

The Carter Baron East Neighborhood Association voted to support the application with conditions at its early meeting in early April and one of its conditions was that Kingsbury supply its proposed 124 parking spaces on site. The prevailing interest at this meeting was to minimize parking inconvenience to the closest neighbors, the immediate neighbors who prevailed here did not want Kingsbury patrons usurping parking spaces in front of their homes and I attached as Exhibit 3 the -- what we had, at least at the time from the Carter Baron East Neighborhood Association. We now have a later version of their recommendations on their letterhead that I believe the BZA staff has probably included in the record as well.

In terms of other agencies, we did finally get a report from the Office of the Fire Marshal who has no objections

to the proposed application as long as there are fire alarms and the other kinds of safety precautions that were mentioned in the proposal already are instituted, so the Office of Planning recommends approval of this application subject to several conditions which are enumerated below.

First, that Kingsbury shall manage and control all incoming and outgoing traffic to minimize any deleterious effects on the neighborhood as outlined in its traffic impact analysis. As the school grows in size and as experienced teachers everyone concerned, where problems and unacceptable traffic flow or congestion may occur, Kingsbury shall work with the community to try to adjust patterns to mitigate traffic impacts to the maximum extent practicable and this was taken directly from Carter Baron East conditions.

Kingsbury, the second condition, Kingsbury shall provide no more than 92 parking spaces on site. In creating the driveway and parking spaces, Kingsbury shall preserve the trees and green space to the maximum extent possible and give neighborhood residents input on landscaping. For any overflow parking, Kingsbury shall direct its clientele to park along 14th Street, on its side of the street.

Three, Kingsbury shall designate a person to serve as liaison to the Carter Baron East Neighborhood Association. Any concerns that the residents of the Carter Baron East Neighborhood Association have regarding the operation of Kingsbury shall be

discussed in a timely fashion and every reasonable effort shall be made by Kingsbury to resolve problems for the residents created by their operation.

I might say here that the Carter Baron East Neighborhood Association conditions did also mention having one of their people serve on the Kingsbury Board. We were under the impression that that had been taken out at the time we wrote this and so I don't know whether the community wants to raise that again or not, but it is not in our recommendations in terms of the conditions.

Number four, Kingsbury shall not exceed 300 students in total enrollment.

Number five, Kingsbury shall have the following hours of operation: Monday through Friday, 8:30 to 6:15 p.m.; Saturday, 8:30 a.m. to 1:30 p.m., during several months of the year and Sunday it is closed.

Number six, lighting of the property should be internally focused so as not to interfere with neighbors' quiet enjoyment of their property.

Again, the Office of Planning recommends approval.

Thank you.

CHAIRPERSON REED: Colleagues, I have one question. Ms. Vogel, I have one question regarding the report. In regards to the parking, while -- it's your contention that the number of parking spaces is 97. You're recommending 92. Now my question

then is, if the 97 are required by the regulations, then could the school allow five parking spaces to be off-site?

MS. VOGEL: Well, again, I pointed out that a portion of the zoning regulations allow the Board of Zoning Adjustment to reduce the amount of parking spaces required for nonresidential uses, based upon things such as property -- on the property or in the neighborhood which could reasonably be expected to be available when the building or structure is in use. I mean especially considering the amount of parking, the 36 spaces on 14th Street that, you know, we feel that that is basically available parking for the school as well.

CHAIRPERSON REED: But doesn't it say that the BZA is allowed to reduce or eliminate the parking spaces provided that the building or structure has the right connection to a Metro rail station?

MS. VOGEL: That's one of the possible conditions.

CHAIRPERSON REED: Is it?

MS. VOGEL: No, that's one of. There are many different reasons that the BZA may agree to reduce the amount of parking.

CHAIRPERSON REED: Where is it?

MS. VOGEL: As I said it's in Subsection 2108 which is attached, I believe, as one of our -- okay, 2108. It is attachment -- it's included in Exhibit 2, if you look at page 21-

11 there, reduction of parking spaces.

CHAIRPERSON REED: So basically what we're saying is notwithstanding the proximity to a Metro rail station that we can do that. I wasn't clear.

MS. VOGEL: Well, what I'm saying is it doesn't need to be in proximity. That's one of the potential ways that you would reduce parking.

CHAIRPERSON REED: I had interpreted it as in addition to, in other words, one of the conditions and then it goes into -- I think that I was looking at it a little differently. I think it's clear to me now what you're saying, that notwithstanding the proximity to the Metro rail station there are other aspects of the regulations to allow us to make a reduction, based on our analysis of the situation.

One moment.

MS. VOGEL: Sure.

(Pause.)

CHAIRPERSON REED: All right, in regard to this issue, Corp. Counsel, Ms. Sansone, will clarify the matter for us.

MS. SANSONE: Yes, Madam Chair, the zoning regulations do allow for a reduction in parking spaces in Section 2108 and they also allow for parking to meet your parking requirements off-site, but in order to obtain that type of zoning relief, it's necessary for the applicant to apply for a special exception to allow that reduction. That has not been done here.

The application is for zoning relief under Section 206 relating to private schools, so -- and Section 206 does require the applicant to provide the minimum number of required parking spaces which would be either, I guess the 97 or 107, it hasn't been clarified yet, but if additional relief was required to reduce the parking spaces we would need to have an application for a special exception to allow that.

CHAIRPERSON REED: Thank you, Ms. Sansone. This is where I was a little unclear because on the one hand, hearing that we had authority to reduce the parking and on another hand, the regulations are very clear as to the number of parking spaces that they have to have as a minimum and if there's -- if there's an exception to the exception, and that gets to be rather confusing. Nonetheless, I think that we're all clear on the fact that anything that we do, that is an exception to or a deviation from, what is allowed on the regulation has to be done properly with the request for the proper type of relief. We can't just arbitrarily reduce the number of parking spaces required.

CHAIRPERSON REED: Okay, thank you very much. Are there any other questions of Ms. Vogel?

VICE CHAIRMAN SOCKWELL: Yes, two things. One, I think that the Office of Planning report needs to be amended so that the 17 is amended to 27 which it should be because 97 and 17 will never add up to 124.

If you read your page 4, paragraph 5, you will

notice that it says 97 is the minimum, 124 as the applicant's number and the difference being 17. So you should make the difference 27 because 97 and 27 add up to 124 and we don't want the OP's reports to have math errors.

MS. VOGEL: Thank you.

CHAIRPERSON REED: Any other question?

VICE CHAIRMAN SOCKWELL: The other question is that under Environmental Friendly Alternatives to Asphalt, there may be a Department of Health problem because for large parking areas the collection of automobile borne oil residue is generally provided for with sediment control facilities and to do it the other way would allow those things to sink directly into the soil causing environmental pollution. That is an issue that probably will not pass Health Department muster.

MS. VOGEL: One of the neighbors that night had some information he was planning to get for the school from an architecture firm in Philadelphia, I believe, who have been utilizing an environmental friendly type of parking pavement for many years, Andrew Pogan & Associates. And he was going to provide that for the school.

VICE CHAIRMAN SOCKWELL: I would suggest that the Department of Health, Environmental Protection Branch, Tim Carrie, Area Code 202/535-2248, be consulted on that.

MS. VOGEL: Okay, will do.

MEMBER RENSHAW: Madam Chair, I had a question. We

have been told that 11 minibuses are going to be used to bring students to the school in the morning and I expect that they would be put into service for the afternoon also, but do the parking requirements include or exclude the parking of minibuses on site?

MS. THORNELL: It might be helpful to clarify that these are not Kingsbury Center-owned buses. These are buses owned by the jurisdictions, public school systems, so they bring the children and leave and are not on site during the day at all.

MEMBER RENSHAW: All right, thank you for that explanation. Do you have any buses that you're going to have on site?

MS. THORNELL: I doubt it.

CHAIRPERSON REED: Okay. Thank you very much. Other government reports? I don't think we had any, DPW or the Department of Health or Human Services Report that we get for a school.

All right, then persons and parties in support of the application?

Persons and parties in opposition? We did receive one letter of opposition and basically it was from a neighbor who complained about the possibility of there being problems with traffic congestion and parking, I think.

COMMISSIONER MITTEN: Madam Chair, I think Ms. Ferger was getting ready to testify in support, if I didn't misread her standing up.

CHAIRPERSON REED: Were you?

MS. FERGER: I didn't know when --

CHAIRPERSON REED: Okay, I said -- I called for parties and persons in support. I'm sorry, I probably was looking down and didn't see you. She was established as a party in this case. I'm sorry.

MS. FERGER: Hi. I'm Kathy Ferger, President of Carter Baron East Neighborhood Association and we voted at our April meeting to support this application with the conditions which Ms. Vogel has mentioned and they are in a letter that's on the record. We did, as an organization vote for 124 parking spaces based on the work of a committee that met with Kingsbury during the month of March. They recommended 124 spaces as a compromise between some people who wanted more and some who wanted less. And there still are divergent views in the community. We have one person who's waited until last week to testify and is here today. I think she would like to present her own views on the need for parking and we also -- there was one woman who was here this morning and last week, but she had to week. She favors fewer parking spaces. She would be very happy with the number in the 90s.

CHAIRPERSON REED: There's someone else here to testify?

MS. FERGER: Right.

CHAIRPERSON REED: Who is that person here to

testify in support? All right.

MS. FERGER: The other person had to leave, I believe. She had an 11 o'clock appointment.

Laurie Emrich was here to testify that she would favor a lower number of parking spaces. She's especially concerned about preserving the mature trees and the green spaces.

As an organization, we came to 124. That's the number that we would support.

CHAIRPERSON REED: So 124 or less is fine.

MS. FERGER: If it came down to would we appeal a decision by the Board to have 90 spaces I think people would say no, we can live with 90 spaces, but that's not a vote of the whole organization.

The community, I don't think, really understood the ANC as a separate vote and I know that I was unable to attend that meeting, although I was aware of it and knew its importance and other residents who lived very close to the facility may not have understood that it was a meeting that they should go to and express their point of view. So the views of those living very close by, most effective were not, I don't believe adequately represented at the ANC meeting, but nonetheless their vote stands.

And I really don't think I need to add anything more to this discussion unless you have questions to ask.

CHAIRPERSON REED: Are there any questions of this witness? Thank you very much for your testimony.

We'll have the other witness who is testifying in support and then, Ms. Renshaw, will you give the submission for our records. I don't think there's anyone here present today from the ANC. I asked once and I just wanted to make sure.

MS. HARRIS: My name is Michelle Harris and I live on Gallatin Street which the architect described as the lovely residential, lovely homes and I have a letter here from another, the gentleman who actually lives on that house on the corner of Gallatin and Piney Branch, probably of all the neighborhood residents would be most impacted by this and he was here last Tuesday and was unable to make it. He asked me to make sure you received his letter from Jack Whitney. Did you receive that letter?

CHAIRPERSON REED: What's his name?

MS. HARRIS: Jack Whitney. He sent it. He wanted to make sure you received it. I have another copy here.

CHAIRPERSON REED: I don't think that I received -- maybe some of the other Board Members received his letter. Did anyone else receive that? Okay, then will you please submit it for the record.

MS. HARRIS: Thank you. Jack and I were on that CBENA committee which came up with the 124 as the number of parking spaces we suggested that the Board allow the Kingsbury Center to create and that was not a capricious number. That is a number that we reached through compromise and by consensus. There

were many concerns by the people on our committee about the parking situation. Just to clarify, for instance, my home like 16th Street is just about equal distance between Carter Baron and my home and even this morning as I was waiting for my neighbor to get ready to come down to this hearing, we watched as commuters from D.C. and Maryland park on our street and walk to the bus stop to take the bus down 16th Street. And like I said we are just as close, Carter Baron is just as close to the bus stop as our homes are and cars, people do not choose to park at Carter Baron. It is free. It is convenient and they prefer to park on our street and that is the concern of most of the residents on our street.

Other concerns we have is the situation of illegally parked cars is almost out of hand. We have cars blocking the alleys, parked illegally behind our houses in the alleys, blocking fire hydrants and this is almost daily. There are many churches. On our street alone there are three churches and there are many funerals and daily church activities which also add to the congestion.

My concern specifically has to do with the reduction of parking spaces and what I think might create disharmony between the school and the community residents. Right now, I think many residents are very excited about having the Kingsbury Center come, improve upon the space. I think our understanding is that the Kingsbury Center appreciates the beauty of the space as much as we do, the green space and the trees and

they don't want to just pave over the whole place willy-nilly. It's our understanding they'll only pave spaces as we need.

I worry, however, that 95 spaces might not meet the school's future needs. I don't want my comments to prevent the Kingsbury Center from gaining approval of the Board, but I hope the Board will agree that we don't want to be here again. As Georgetown residents are here often, as the residents of Foggy Bottom are here often fighting over parking spaces. We want the school to be allowed to alter, to responsibly alter the space to meet their needs now, to prevent any disharmony in the future.

CHAIRPERSON REED: Thank you. Did you give your address?

MS. HARRIS: My address is 1509 Gallatin Street. 1509 Gallatin.

CHAIRPERSON REED: And you're aware of the fact that the ANC is requesting 35 spaces?

MS. HARRIS: Yes, I am. I am absolutely flabbergasted that the ANC has undermined the CBENA's recommendation of 124 spaces. I don't understand. I was not in town when that meeting was. I can't possibly imagine what they were thinking. I don't know if they're aware that we have commuters parking on our street. I don't know if they're aware of the illegal cars, for instance, Gallatin residents, we're planning on requesting residential parking, but quite honestly with the number of cars which completely ignore the parking laws as it is,

I'm not sure if it will help, but that's a step we'd like to take as it is. I don't know if you're aware, but on the corner of Piney Branch and Gallatin, there's an independent school already but they have no parking. It's the Deal School. They have no parking. They park on our street, the teachers, the parents and the visitors. Many of the parents park on our street, and go to work and come back and pick up their cars and their children in the evening. I don't know if the ANC took that into consideration or was aware of it at all.

MEMBER RENSHAW: Would you go to the map and point out that school and where your home is located and Mr. Whitney's home, just so that we have a picture? Are they on that map?

MS. HARRIS: This is Mr. Whitney's home. This is the independent school. My house is back here.

MEMBER RENSHAW: Thank you.

CHAIRPERSON REED: Okay, and the applicant is requesting 95 and they are required to have 97.

COMMISSIONER MITTEN: Madam Chair, I think I might have figured out where the source of this 10 parking space difference. While the testimony was going on I went back to the traffic study and the difference is for high school seats, you count either seats or you count the one tenth of a -- let me see exactly what it says. It's -- parking space for every classroom seats or one for every 10 seats of the largest auditorium, gymnasium or public assembly space. Maybe someone can clarify.

Is this the pre-gymnasium or post-gymnasium calculation?

MS. GIORDANO: It is post-gymnasium, but it's not a room that has any fixed seating, so it was sort of a number that pretty much was approximate, taken out of the air.

Mr. Andres and I have been talking. We are comfortable with the 97. We certainly cannot afford to go back to the drawing board and resubmit another special exception application now. We're in a situation where we were already delayed last week. We have financing contingency in our contract to purchase the property coming up very soon. Our revenue bond approval by the City Council is contingent upon the zoning approval and it's a dominoes effect. We can't get the financing commitment until we get the revenue bond financing approved. So we really need to go forward as quickly as possible. I guess our feeling is there's very little difference between 95 and 97. We would be very happy to get an approval based upon 97 minimum spaces. We have indicated before that we're committed to siting, I guess those two additional spaces, all the spaces on the site for the maximum preservation of trees and green space. The school has their own personal interest in having a beautiful site and having a beautiful area for kids to play on which includes shading by trees and for staff to have lunch outside. That's what this whole proposal was about is to have a site that allowed for that kind of activity. So it's not in their interest to pave over this

site and create a bit parking lot, but they are very much down to the wire now in terms of getting their approval and for two spaces, we hope that the Board of Zoning Adjustment will agree there's no point in resubmitting another special exception application which we agree would be required to make that reduction.

COMMISSIONER MITTEN: Just to help us make sure we're making the right calculation, since you don't have an auditorium with fixed seats --

MS. GIORDANO: That's correct.

COMMISSIONER MITTEN: What's the size of the largest assembly space?

MS. GIORDANO: It would be that multi-purpose room, that back area.

COMMISSIONER MITTEN: We don't have all of the plans. We just have the site plans, so if someone could give us the measurement?

MS. GIORDANO: I think Mr. Bowie is trying to derive that.

MR. BOWIE: The actual largest room that exists today will be divided in half, so it won't exist as the single largest room. The remaining one would be the one in the rear building that shows at the top of the drawing on the right.

COMMISSIONER MITTEN: And what's the size?

MR. BOWIE: 25 by 40 is my guess.

COMMISSIONER MITTEN: 25 by 40?

(Pause.)

MR. BOWIE: It's 1700 square feet.

COMMISSIONER MITTEN: 1700?

CHAIRPERSON REED: Okay, while we're doing that, let us move forward. The ANC report, that was submitted to us?

MEMBER RENSHAW: Yes, the ANC report was -- this is ANC 4-C, submitted to the BZA on April 13, 2000. There was a public meeting on April 11, 2000 to consider the application, the proper notice was given. Six Commissioners constituted a quorum and six Commissioners were present at said meeting. There was opposition raised concerning the number of parking spaces. The architectural plans were for 124. There was expressed opposition to the removal of trees. Therefore, ANC 4-C recommended the parking spaces be reduced to 35. They voted unanimously to support the zoning approval of BZA application 16569 contingent upon the Center's agreement to reduce the parking spaces from 124 to 35 and it was submitted by Maureen Young, the Chairperson of ANC 4-C.

CHAIRPERSON REED: Well, while they certainly have the basis for the seemingly great weight to which they are entitled, nonetheless, in regarding to the request for 35 spaces, that is not in compliance with the zoning regulations, so that is not something that we have the ability to do in the first place.

So I think given that fact, they may not have even

been aware of that, that something that would be more in keeping with the amount of spaces required by the zoning regulation would be where we would have to go.

All right, closing remarks. Unless there are any other questions?

MR. BOWIE: I can address the issue of that multi-purpose room. We calculated that room to have a capacity of 150 people which at one space per ten seats equalled 15 parking spaces, additional 15 parking spaces and that was included in Grove Slade's calculation.

CHAIRPERSON REED: 15 in addition to the base number?

MR. BOWIE: That's part of their number.

CHAIRPERSON REED: So then what number do you come up with, the total number.

MR. ANDRES: The zoning, the parking requirements for zoning were based on the two-thirds for the faculty and the greater of 5 or 15.

CHAIRPERSON REED: What is the number?

MR. ANDRES: Which is 107. I guess the question is whether to use that 5 or the 15. That's the difference, that's the discrepancy we're coming across here.

COMMISSIONER MITTEN: What the ordinance says is to use the higher number, unfortunately, in this case.

CHAIRPERSON REED: So they would have to kick it up

to 107, is that what I'm understanding?

COMMISSIONER MITTEN: Yes ma'am.

CHAIRPERSON REED: Given the fact that we have for various reasons different requests for a different number of parking spaces, again, we have to be in compliance with the regulations and we have to act accordingly. We do not have any authority to impose any more, any less than what the regulations require and that the minimum that has been ascertained here today is 107. I would suppose that that's where we need to go, in addition to the fact that the -- on the one hand, ANC is very concerned about the preservation of green space and aesthetics. On the other hand, we have the Carter Baron Neighborhood Association, what is it CBENA? Carter Baron East Neighborhood Association who has grave concern about the parking problems and looking into the future as to what may happen when the additional amount of children are added. So I think we have to look at the entire picture and see what makes sense prudently. At the bare minimum it sounds like it can be no less than 107.

MS. THORNELL: Madam Chairman?

CHAIRPERSON REED: Yes.

MS. THORNELL: 107 is no problem to Kingsbury Center. We can easily accommodate that amount of parking on our site and our architect can lay that out.

CHAIRPERSON REED: We probably were aware of that, given the fact that you asked initially for 124.

MS. THORNELL: That is not a problem.

VICE CHAIRMAN SOCKWELL: Madam Chair, might I add, and I believe I'm correct in stating that at the time of the Carter Baron East objection, the site plan existed in a different form than the one that was presented today and the current site plan responds much more to the need for buffering and for reduction in the actual removal of natural or existing trees and vegetation and that is somewhat a modification of the specifics upon which the concerns were raised and I think that we can go forward on the basis that the applicant has been responsive.

CHAIRPERSON REED: Thank you, Mr. Sockwell. Closing remarks by the Applicant?

MS. GIORDANO: Just to be very brief, we believe that the school can successfully locate here without having an adverse impact on the neighborhood. It's a very large site. It's buffered on all sides by public right of ways. There are no immediately adjacent residential uses. As we've demonstrated the traffic and parking can be accommodated on the site. All of the stacking can occur on site. There's no need for any spill over on any neighborhood streets. The Applicant is willing to abide by all of the conditions proposed by OP in their report, modifying obviously the amount of parking and then the oral condition I think that was added at the hearing regarding looking at alternatives to asphalt. We had also concluded that that was going to be problematic because of the ability of the oil and such

to get into the soil, so probably it's not legal. But all of the conditions that are written in OP's report regarding the liaison with CBENA, the amount of students, the operating hours, parking at 107 spaces, etcetera. We are willing to abide by and we ask for your approval on that basis as soon as possible. Again, we are in a situation where we have a revenue bond, a matter pending before the City Council and we need to let them know that we have a zoning approval so we can proceed with the acquisition of the site.

We would like a bench decision.

CHAIRPERSON REED: What number is it?

VICE CHAIRMAN SOCKWELL: I would move that -- well, I'll let you make the motion.

MEMBER RENSHAW: I move that the BZA approve the Kingsbury's application based on 206 with conditions and various conditions that I have enumerated. By the way, Madam Chair, do you want the Board to vote on the overall approval and then we go to conditions?

CHAIRPERSON REED: Yes.

MEMBER RENSHAW: Do you want to do it that way?

CHAIRPERSON REED: Yes.

MEMBER RENSHAW: Then I need a second.

COMMISSIONER MITTEN: Second.

CHAIRPERSON REED: Discussion?

VICE CHAIRMAN SOCKWELL: I would just like to state

that this property could be by a matter of right developed into residential single family dwellings, approximately 29 by my calculations, assuming theoretical lots of 5,000 square foot per dwelling in R-1-B, about 15 percent for internal road system which would, in fact, cause major changes to the existing conditions, destroy most of the existing vegetation, most likely, and result in a long period of disruption for all in the neighborhood. I feel that this is a very reasonable modification of the existing conditions, to provide a valuable service to the city and that it is tastefully handled and I did look at the combination of those three dormers in the back just to see what that might look like and you've got two conditions, I think. It looks reasonable. I would say that this is an acceptable, low impact development.

CHAIRPERSON REED: Thank you. Mr. Moulden, did you have any comments? Ms. Mitten, did you have any further comments?

I concur with my colleagues and feel further that granting this application is certainly a very worthwhile type of endeavor for this particular site and that it does not appear to, given the fact that we don't see a lot of opposition, does not appear to have any noticeable adverse impact and the parking issue will be addressed in the conditions and that it does not tend to impair the intent or integrity of the zoning regulations.

Now conditions.

COMMISSIONER MITTEN: Can we vote on that motion before we go to conditions?

CHAIRPERSON REED: All in favor?

(AYES.)

CHAIRPERSON REED: Opposed?

MR. HART: Staff would record the vote as 5 to 0 to approve. Ms. Renshaw, Ms. Mitten, Mr. Sockwell, Mr. Moulden and Ms. Reed.

MEMBER RENSHAW: Various conditions that I made note of during the testimony and discussion are as follows and I'm sure my colleagues will have others pertaining to their areas of expertise. One is that the alley at the southeast corner must be kept open for two-way traffic and emergency vehicles at all times; that the gate in the southeast corner should be on the property line and that the gates swing inward; that there should be coordination of the transportation plan with West Elementary School, including a request, if it's not in force now, for school crossing guards during the a.m. and p.m. rush; that the school consider or the Board consider the policy about students not driving to be reviewed and in force for the children when they reach the appropriate age. We'll take up the discussion of parking spaces.

CHAIRPERSON REED: Ms. Renshaw, you said that for the Board to review.

MEMBER RENSHAW: Or decide to determine.

CHAIRPERSON REED: For that to be done they would have to come back to this Board. Now, an alternative to that may

be they discussed the creation of a community liaison.

MEMBER RENSHAW: Okay.

CHAIRPERSON REED: And we may condition that that decision would be made in conjunction with community liaison.

MEMBER RENSHAW: Along with the policy for leasing of the school's facilities.

CHAIRPERSON REED: That's another condition.

MEMBER RENSHAW: Including --

CHAIRPERSON REED: That's another condition?

MEMBER RENSHAW: It could be put under your liaison committee functions or we can condition it separately.

CHAIRPERSON REED: Okay, okay, so this is something else that you want to be brought to the community liaison committee prior to decision being made.

MEMBER RENSHAW: The leasing of the school, the outside grounds and any play facilities. That has to involve the CBENA and ANC 4-C.

CHAIRPERSON REED: Well, the community liaison would be created -- they would be a part of and not limited to those entities.

MEMBER RENSHAW: Yes. Right. That's it for now.

CHAIRPERSON REED: Of course, our usual conditions would be the number of students. It was 300, Ms. Giordano, you reduced it. And the staff, 138. The hours of operation as presented to us, Monday through Friday, 8:30 a.m. to 6:15 p.m. and

Saturday, 8:30 to 1:30 -- you have classes on Saturday?

MS. GIORDANO: Testing.

CHAIRPERSON REED: The ages of the children were?

MS. THORNELL: 5 to 18.

CHAIRPERSON REED: 5 to 18. The days of operation, Monday through Saturday, and the parking spaces would be --

VICE CHAIRMAN SOCKWELL: The parking spaces would be 107, based on our final agreed-upon count and that tree replacements for those living trees to be removed would be at a rate of 1 caliper inch added for each caliper inch removed. That was considered acceptable, as long as the dead trees were not included in the count.

CHAIRPERSON REED: Did we indicate the creation of the community liaison committee? All right, that would be established and this committee should be -- should meet quarterly. We just don't want to say a community liaison committee without determining how often they should meet.

MS. GIORDANO: Quarterly is fine.

CHAIRPERSON REED: Quarterly. Okay. Any other conditions or does that take care of it?

COMMISSIONER MITTEN: I would just like to add a little bit of clarification to the maximum enrollment which is, then there has a been a breakdown supplied by the applicant which is that the maximum will be divided between 200 elementary and junior high school students and a maximum of 100 high school

students.

VICE CHAIRMAN SOCKWELL: Also, it might be added that effective buffers between the school property and adjacent residential properties would be maintained.

MEMBER RENSHAW: And a time limit, Madam Chair.

CHAIRPERSON REED: The term of the school?

MEMBER RENSHAW: A time limit for this order.

CHAIRPERSON REED: What do you mean a time limit?

(Pause.)

MEMBER RENSHAW: This is approved for a period of --

CHAIRPERSON REED: I'm asking the term. Let me ask Ms. Sansone for a private school, do we -- I know for the community development centers we usually give that for a term of 5, 7 years, but for private school establishment. We can, if we can --

MS. GIORDANO: If I can interject, that issue was discussed at the CBENA meeting. There was a recommendation initially for 10 years. We discussed it with our revenue bond council and it was basically a nonstarter because the financing is based upon a 30-year mortgage and we would be really in dire circumstances in terms of getting financing with that kind of condition. So CBENA was kind enough to remove it.

CHAIRPERSON REED: They didn't ask us for that condition, nor did the ANC nor did the Office of Planning, so Mr.

Moulden had a comment.

MR. MOULDEN: I would just say what was the need?

VICE CHAIRMAN SOCKWELL: If you accelerate your mortgage to 5 years, you'll be paid off early.

CHAIRPERSON REED: I have no problem with that. So that then would conclude your hearing and you should receive your order in about two weeks.

COMMISSIONER MITTEN: Could I just -- I thought that Ms. Renshaw had proposed some conditions, but we didn't necessarily -- for instance, she raised whether --

MEMBER RENSHAW: That is correct.

COMMISSIONER MITTEN: Whether or not there would be a condition related to student parking. She didn't offer the condition.

CHAIRPERSON REED: I did. Mr. Sockwell did.

COMMISSIONER MITTEN: Okay, then I'm sorry. Would you repeat that?

CHAIRPERSON REED: Go ahead.

VICE CHAIRMAN SOCKWELL: I stated that 107 cars was the on-site parking requirement that we had agreed upon.

COMMISSIONER MITTEN: I agree with that. I think there was what Ms. Renshaw had raised was whether or not there would be any restriction on, for instance, students who were of legal driving age driving to the --

MEMBER RENSHAW: That was going to be discussed as

one of the subjects of this liaison committee.

COMMISSIONER MITTEN: Okay, sorry.

CHAIRPERSON REED: She's going to allow them to make that determination.

COMMISSIONER MITTEN: That's up to them? Okay.

CHAIRPERSON REED: That then concludes the morning session. Now for the afternoon -- before you leave --

(Pause.)

Just a moment, before you leave, those persons who are involved in the George Washington University application, in regard to party status, we are going to recess for 30 minutes. We'll be back. We'll start at 1:30. At 1:30, however, we had -- take note of the fact that we had several requests for party status and there are several that -- this was an ANC as well and the ANC is automatic, but there's also a single member district representative and in order to be able to move this case along, we wanted to ask that you consider designating one person to do the cross examination and if you have set questions to kind of combine those questions so that you won't be five or six people doing cross examination and given the fact that we're going to be breaking for half an hour, perhaps at that time you may want to kind of put your heads together to determine you think it can best be done.

Other than that, we'll be here all day if we have six people asking questions for every segment of the hearing. So

we thought that would be a way to expedite things. This is not in any way to insinuate that any of your questions would be left out. We just want you to combine them because we know that when -- we have several people -- with party status, sometimes the questions are redundant and repetitive and we're just trying to eliminate that where we can.

Thank you.

(Whereupon, at 1:02 p.m., the hearing was recessed, to reconvene at 1:30 p.m., Wednesday, April 26, 2000.)

A F T E R N O O N S E S S I O N

1:55 P.M.

CHAIRPERSON REED: Good afternoon. Let's get started. We'll now commence with the second case of the afternoon, George Washington University. Excuse me one second.

(Pause.)

Okay, we'll now start with the second case of the day which is George Washington University and staff will come in in a couple of minutes. Can you hear me now?

We will now commence with the second case of the day, George Washington University. Staff will be here in a moment to call the case and swear in the witnesses.

We just wanted to indicate again in these proceedings this afternoon we ask that people conduct themselves properly and the staff has asked and also we've gotten some indications that even if you are not speaking and you make gestures or movements that can be construed as ex parte communication with Board Members, that is not permissible, so we ask that you please not do that, if you are so inclined.

Thank you.

MR. HART: This is Case 16553, Application of the George Washington University, pursuant to 11 DCMR 3104.2, for a special exception for the review and approval of the University Foggy Bottom Campus Plan, years (2000-2010) under Sections 210 and 507; the boundaries are as follows: Pennsylvania Avenue on the north, 19th H, 20th and G Streets on the east; F Street on the

south and 23rd, G and 24th Streets on the west, and also includes a portion of Square 122 extending south of F Street along 19th Street, N.W. Within the campus plan boundaries, the property owned by the University is devoted to a variety of University uses, including, but not limited to classroom, dormitory, library, research, office, support, assembly, athletic and hospital purposes. These uses would be continued under the Campus Plan in a variety of existing and new buildings in the R-5-D, R-5-E, C-3-C and SP-2 Districts: Square 39, Lot 803, Square 40, Lot 36, Square 41, Lot 40, Square 42, Lots 54 and 55; Square 54, Lot 30, Square 55, Lots 28, 854 and 855; Square 56, Lots 30 and 31, Square 57, Lots 55 and 56, Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858, 961, 863 and 864; Square 77, Lots 5, 59, 60 845, 846 and 864, Square 794; Square 79, Lots 63, 64, 65, 808, 853, 854, 861 and 862, Square 80, Lots 2, 26, 27, 28, 29, 42, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 821, 822, 823, 824, 825 and 828, Square 101, Lots 58, 60, 62 and 879, Square 102, Lot 46, Square 103, Lots 1, 13, 27, 28, 33, 35, 40, 812, 813, 814, 816, 817, 818, 819 and 820, Square 119, Lot 26, Square 121, Lot 819, Square 122, Lots 824 and 825; these Squares are within the Campus Plan properties; Square 39, Lot 77, Square 40, Lot 79, Square 41, Lot 80, Square 42, Lot 101, Square 54, Lot 102, Square 55, Lot 103, Square 56, Lot 119, Square 57, Lot 121 (Part only) Square 75, Lot 122 (Part only).

Will those persons planning to testify please stand

to take an oath.

(The witnesses were sworn.)

CHAIRPERSON REED: Those people who are here who did not stand to be sworn in, is the assumption that you're here just to lend your moral support to these proceedings or did you not understand that if you are going to participate that you have to be sworn in. There were several people who did not stand and I just wanted to make sure that everyone was aware of what Mr. Hart was asking you to do.

Thank you very much.

MS. SPILLINGER: Madam Chair, I have a procedural question. May I interrupt?

CHAIRPERSON REED: Okay.

MS. SPILLINGER: I'm Barbara Spillinger, chair of ANC-2A and we have submitted a letter as a preliminary matter asking, which is somewhat moot at the moment, but that GW be allowed to present its case today and that the opposition be allowed to respond on May 24th and also that the ANC be permitted to submit a supplemental or revised report 7 days before the hearing, the next hearing.

I didn't know whether you had been able to consider that in your preliminary --

CHAIRPERSON REED: We do have your request, Ms. Spillinger, and that does not appear to be unreasonable. I think that given the fact that we're just starting now at 2 o'clock and

the fact that our recorder has to leave at 6 then we're going to get through as much as we can today and I doubt very seriously if we would even get to that point anyway. So I don't have a problem with that request.

MS. DWYER: Madam Chair, if I can address that on behalf of the University? We don't have a problem with that as well and we were going to come in and say that we supported it. We would add just two things. One is there are several students who are supporters who are here today who will not be here for the second hearing, so if there's perhaps 5 minutes at the end of today's hearing to allow them to testify out of turn, we'd like permission to do that.

Second, we would request that the opposition file its materials in advance of the next hearing. As you know, we filed ours two weeks in advance and we would like, if they could file their materials two weeks in advance of the May 24th hearing which would be May 10th.

CHAIRPERSON REED: Are you agreeable to that?

MS. SPILLINGER: We will not have our regular ANC meeting by then. We won't have it until May 17th. We would like to approve the filing at the regular meeting on May 17th and file it the next day.

MS. DWYER: That would be fine, if it could be filed then on May 18th and if we could be hand delivered a copy of it so we have a chance to review it before the hearing.

MS. SPILLINGER: Yes, I'd be glad to do that.

CHAIRPERSON REED: Okay.

MS. DWYER: Madam Chair, we had a couple of other preliminary issues. One is there was a request and I believe also from ANC-2A that the University make available as a witness its Registrar to address enrollment and student housing issues. And I just wanted to point out that we have two witnesses from the University who are both qualified to address that issue, so even though we do not have the Registrar, we have Mr. Charles Barber and Mr. Craig Linebaugh who can both address the enrollment and student housing issue.

CHAIRPERSON REED: Is that okay?

MS. SPILLINGER: We will accept that. Thank you.

MS. DWYER: The final preliminary matter, there were several requests for party status and I don't know if you're going --

CHAIRPERSON REED: We're going to take up the issue of party status at this time. Yes.

MS. MILLER: Good afternoon. I'm Dorothy Miller, ANC-2A05 and I think it's important that the Registrar be here. We have met with these people numerous times and have never been able to accurately answer our questions as to how many students and where they live, so I think only the Registrar would have that information because they don't seem to know. And I don't see anybody here that has not been present before that could have

responded accurately and answered those questions.

CHAIRPERSON REED: Thank you very much, Ms. Miller. However, the request by the Applicant to allow these two other persons to testify with regard to the questions directed to the Registrar and it's been asserted that these people have the capacity and ability to do so and the ANC has agreed, so why don't we do this --

MS. MILLER: Well, the problem is then they haven't in the past.

CHAIRPERSON REED: Just a moment, Ms. Miller.

MS. MILLER: I'm sorry.

CHAIRPERSON REED: Why don't we allow them an opportunity to respond to the questions and if, in fact, the answers are not forthcoming or you feel that they are insufficient, then we do have another hearing day and the Board can then make a decision as to whether or not we want specifically to ask that the Registrar come.

MS. MILLER: If they cannot answer the questions in cross examination or today, then we do request that the Registrar be present for the 24th. Very well.

CHAIRPERSON REED: Thank you. Now in regard to party status, we had several requests. Those persons who have requested party status are James Droud -- the attorney for the ANC-2A. Is he here?

MS. SPILLINGER: No, Madam Chair. We are not

represented by Mr. Droud today. He is our attorney. He has -- the ANC has hired him as our attorney and he did prepare the report which we submitted and he will prepare the findings of fact and conclusions of law, but he will do so from the testimony. As you know, we are a volunteer organization with limited funds and rather than have Mr. Droud sit here for most of the day we decided we would conserve our resources and he is not with us today.

CHAIRPERSON REED: So he is not with you to represent you, so who is going to be the lead person for the ANC?

MS. SPILLINGER: The lead person on our cross examination will be Michael Thomas.

CHAIRPERSON REED: And he is here?

MS. SPILLINGER: He is here.

CHAIRPERSON REED: Okay, all right, now the ANC-2A has requested party status, but you know that as the ANC you are automatically a party in the case.

MS. SPILLINGER: I'm aware of that.

CHAIRPERSON REED: That's a given.

MS. SPILLINGER: The reason that I did request it was that just in case this application might be reopened or something might come up when I am no longer chair. I had asked that I be given party status.

CHAIRPERSON REED: Now --

COMMISSIONER MITTEN: Madam Chair, just to be clear about what Ms. Spillinger is asking for, are you asking for party

status as an individual, as well as your role --

MS. SPILLINGER: Yes, for my SMD as well as chair, if that's possible.

CHAIRPERSON REED: Now this is where we're trying to get the gist of Ms. Spillinger. You're going to be wearing two hats?

In other words, you already have party status as the ANC, then you also need a party status as an individual?

MS. SPILLINGER: The reason I ask was just insurance in that should I no longer be chair and there should be some reason to appear, I would like to have the opportunity to do so.

CHAIRPERSON REED: I understand, so between now and the next hearing is it --

MS. SPILLINGER: That should not be a problem.

CHAIRPERSON REED: So you will be cross examining, when you asked your questions, you are going to be asking for both entities, for yourself and for the ANC.

MS. SPILLINGER: At this point it would be for the ANC.

CHAIRPERSON REED: Are you going to do the cross examination or is Mr. Thomas also representing you as an individual?

MS. SPILLINGER: Mr. Thomas will be the lead cross examiner.

CHAIRPERSON REED: So you won't be asking questions?

MS. SPILLINGER: From time to time, depending on the subject matter, there may be one or two other members of the ANC who would ask questions in their area of expertise.

CHAIRPERSON REED: Just one second, please.

(Pause.)

MEMBER RENSHAW: Ms. Spillinger, just for the record, what is your SMD?

MS. SPILLINGER: 2A-04.

MEMBER RENSHAW: 2A-04. Thank you.

CHAIRPERSON REED: Ms. Spillinger, Corporation Counsel just pointed out to me that you did submit a letter to waive the 14-day requirement for having your submission in to request party status which you did that, we had that, but we never did receive a submission from you to actually request a party status, for you as an individual.

MS. SPILLINGER: I did send that in. I will see if I have -- I did submit it.

(Pause.)

I have a copy here if that's helpful.

CHAIRPERSON REED: Okay.

MS. DWYER: Madam Chair, if I can address this issue as well. We have in our records that the request was filed on April 21st which is not in accordance with the Board's rules,

that it be filed two weeks in advance.

CHAIRPERSON REED: This is true, Ms. Dwyer and we understand that we had in our package a request to waive the time frame for her to be able to submit later.

MS. DWYER: Right, we understood that request was for the ANC, not for her individually.

CHAIRPERSON REED: The request was for her individually. Let me just double check that, just to make sure.

MS. DWYER: That is correct.

CHAIRPERSON REED: Individually, Ms. Dwyer. I have no problem with waiving the rules to allow Ms. Spillinger's letter to come into the record late. If there's an objection about that? Okay.

Now Ms. Spillinger, Mr. Thomas is going to be the lead person and you were saying that in that capacity he's going to do what?

MS. SPILLINGER: Quick cross examination.

CHAIRPERSON REED: For, on behalf of who?

MS. SPILLINGER: On behalf of ANC and the Foggy Bottom Association.

CHAIRPERSON REED: The Foggy Bottom Association. Was there a letter from the Foggy Bottom Association?

MS. SPILLINGER: Yes. Alan Becker and Michael Thomas both requested party status.

CHAIRPERSON REED: Okay, the Foggy Bottom

Association, do you have that letter?

COMMISSIONER MITTEN: Yes, the first one.

CHAIRPERSON REED: Okay, he's going to represent Ms. Becker on behalf of the Foggy Bottom Association. So we have the ANC and Ms. Spillinger and Ms. Becker, all being represented or -- the lead person being Michael Thomas, right? Okay.

Now what about -- we have Dorothy Miller and Maria Tyler.

MS. SPILLINGER: Yes, they have both --

CHAIRPERSON REED: Now you're saying, just one second, Ms. Tyler. You're saying that even though Mr. Thomas would be the lead person that you also would want to cross examine? Can you not give him the questions?

MS. SPILLINGER: We will try to do that as much as possible, but there are several cases where people have particular expertise in a particular matter and would like to cross examine a particular witness, so that there may be one or two other members of the ANC or members of the ANC who would also ask questions, but we will try not to be duplicative and we will try to pass questions to Mr. Thomas insofar as we can. But in certain areas there may be a person or two who will have particular questions on a particular subject.

CHAIRPERSON REED: So ar you saying, Ms. Spillinger, am I understanding you to say that if, in fact, one of you do choose to question a particular witness, then Mr. Thomas

would not be questioning that same witness that you would --

MS. SPILLINGER: Not necessarily. There could be two people or even three questioning one person.

CHAIRPERSON REED: This is what we're trying to avoid and that is multiple cross examining witnesses and then that would -- it would just take so much time.

MS. SPILLINGER: I recognize that and we will try insofar as possible to hold our questions to a minimum, but there are cases where it really would be helpful if another person could participate.

CHAIRPERSON REED: Excuse me one second.

MS. SPILLINGER: Certainly.

(Pause.)

CHAIRPERSON REED: If that is necessary and I am going to assume, Ms. Spillinger, that this is not going to be in every instance.

MS. SPILLINGER: Correct.

CHAIRPERSON REED: Unique instances where it would just, in your estimation you would determine that it was necessary to do that and if that does happen, if you know that you're going to question, two of you are going to question the same witness, then I'd ask that both of you come up so that we don't have to wait until one person goes back, another person comes back up, just come on up and then once one person is finished and the other one is immediately asked the questions and obviously we would not

want to see duplications or repetitive questions or testimony, anything that is not within the auspices of what is supposed to be done at cross examination.

MS. SPILLINGER: We recognize your concern and we'll make every effort to do so.

MS. DWYER: Madam Chair, if I can just state for the record our objection to giving individual status, party status to Ms. Spillinger in addition to the ANC and this issue will come up again with the other two ANC Commissioners. All of these individuals are ANC Commissioners. They represent their constituents on the ANC. They have direct input to the ANC and it seems duplicative to accord individual party status and have exactly the situation that you're trying to avoid where you have several persons up here cross examining the witnesses.

Any particular questions they have can be given to Mr. Thomas. Any particular issues they have can be raised in their direct testimony and we don't believe that each individually has to be recognized as a party in addition to the ANC.

CHAIRPERSON REED: Okay.

MS. SPILLINGER: I believe Commissioner Mandelbaum requested party status as well.

CHAIRPERSON REED: Who?

MS. SPILLINGER: Commissioner Stephen Mandelbaum.

CHAIRPERSON REED: Yes, all right. Yes, Ms. Tyler?

MS. TYLER: Thank you, Madam Chair. I just want to

make sure that --

CHAIRPERSON REED: Speak into the mike.

MS. TYLER: Thank you, Madam Chair. I just want to make sure that my request was received in a timely fashion by the Zoning Office. It was hand delivered on April 12th for party status and I gave the reasons why I wanted to have the party status. I just wanted to make sure that everything is in order.

CHAIRPERSON REED: Summarize quickly.

MS. TYLER: My name is Maria Tyler. I am the ANC Commissioner, ANC-2A03. I've been publicly elected every two years since 1980 as a Commissioner. My particular district is particularly aggrieved by the present situation of the expansion of GW. It also contains in it the Foggy Bottom Historic District where the comprehensive plan makes specific reference that the G.W. development has to take into account the Foggy Bottom Historic District and there are several other reasons, social, environmental and economic that I have outlined. I can give you this copy, yes.

CHAIRPERSON REED: Okay, than you, Ms. Tyler.

MS. TYLER: Thank you.

CHAIRPERSON REED: Excuse me, Ms. Tyler, you're not going to be represented by Mr. Thomas at all? He's not going to be the lead person for your questioning.

MS. TYLER: Madam Chair, in terms of cross examination, be certain it will not be repetitive, just in case

sometimes you know how it is, it is difficult sometimes to pass on the question. We can assure you we will not be repetitive.

CHAIRPERSON REED: Is he working with you?

MS. TYLER: Well, we haven't been working on the questions as yet because we were really under extreme time constraint. As you know, we received most of these documentations or this data just very recently, so it has not always been possible to communicate even between us because we had so little time to do the homework.

CHAIRPERSON REED: Okay, all right, thank you.

MS. TYLER: Thank you, ma'am.

MS. DWYER: Madam Chair, just for the record, we object, for the reasons stated earlier and I really -- we feel strongly that if the ANC can represent the interest of the larger community, we certainly believe that the ANC should be able to represent the interest of the six Commissioners without each individual being a party.

MS. TYLER: Madam Chair, just for the record again, we are publicly elected every two years. The chair or any delegate that is not publicly elected by the District which we represent we must have the constitutional right to present our single member district and we cannot delegate that kind of process, publicly elected or publicly -- that process, transferred to another person. That is just not right.

CHAIRPERSON REED: Thank you, Ms. Tyler.

MS. TYLER: I respectfully disagree with Ms. Dwyer. Thank you.

CHAIRPERSON REED: Ms. Miller?

MS. MILLER: My name is Dorothy Miller and I'm Commissioner for ANC 2A05 and I'm Vice President of Columbia Plaza Tenants Association and I filed my request in both of those positions and where the person can represent in cross examination that puts, affects the entire community. It's very difficult when you're trying to have someone buy your apartment and ask the people to leave so they can put students in and that's my purpose.

CHAIRPERSON REED: Don't -- Ms. Miller. You'll have an opportunity to testify. Just keep it to the party status.

MS. MILLER: Now I want to tell you what happened two years. I was chair of the ANC and when I tried to file something after the case was over, I was told I was not a party to the case and that's the reason we're asking for parties to the case because we have a right to sue and I have to go back and get the ANC --

CHAIRPERSON REED: Wait a minute, Ms. Miller. Hold that point right there for one second.

My understanding was that you don't have to have party status to file a --

MS. MILLER: To be able to sue.

(Pause.)

Do you represent Columbia Plaza?

MS. MILLER: I do.

CHAIRPERSON REED: Do you have authorization?

MS. MILLER: I do and it's been on file for 8 or 9 years.

COMMISSIONER MITTEN: Are you saying we have it?

MS. MILLER: You should have it in file, they asked for it the first time I showed up and I brought it back the very next time and the people that I represent will not have a right to sue, unless I have party status.

COMMISSIONER MITTEN: Madam Chair, if I could just address that. The DCAPA says any person aggrieved, so there's no requirement that you be a party in order to take an appeal.

MS. MILLER: The Supreme Court says I have the right.

CHAIRPERSON REED: Truly, my understanding is that you don't have to have party status in order to be able to --

MS. MILLER: Yes, you do.

CHAIRPERSON REED: File an appeal.

MS. MILLER: That anyone who I represent. I can read you what the Supreme Court said if you'd like to hear it.

CHAIRPERSON REED: Uh-huh.

MS. MILLER: Would you like to hear it?

CHAIRPERSON REED: Is it long?

MS. MILLER: No, I can give you a copy.

CHAIRPERSON REED: Okay, give us a copy.

MS. MILLER: This is my last copy.

CHAIRPERSON REED: All right, notwithstanding that.

MS. MILLER: It's basically one paragraph and I can read it for you real quickly. "Citizens' group have interest distinctive from members of the general public to seek an appeal on behalf of their members who include home owners, renters, living outside of the approved campus quarters, but the expansion of the University beyond its borders has violated 11 DCMR 2102 causing objectional conditions."

Now these conditions are most objectionable to the people I represent, far more so than the whole community because they've destroyed the whole community, but they're doing worse to us.

COMMISSIONER MITTEN: Was that the quote?

MS. MILLER: The last sentence was mine. The Court said you --

CHAIRPERSON REED: The party status --

COMMISSIONER MITTEN: Madam Chair, if I could just direct this. What about what you just read speaks to the right of someone to appeal?

MS. MILLER: It says first, its members must have standing to sue in their own right. That's the first reason.

COMMISSIONER MITTEN: Standing means being aggrieved.

MS. MILLER: Standing is party status.

MS. DWYER: No.

CHAIRPERSON REED: That's not true. Ms. Miller, Ms. Miller --

MS. MILLER: Seeks to --

CHAIRPERSON REED: We understand that. That's where there may be a little confusion. An aggrieved person does not necessarily have to have party status. If you're aggrieved, you have a right to --

MS. MILLER: No, the problem is that a group is more cohesive. They don't have lawyers. We come before you all totally unarmed and without money most of the time and the people can collectively take a stand against an aggrieved situation which as is most aggrieved at this point.

Consequently for that, I want party status for my ANC and the people I represent and for Columbia Plaza.

COMMISSIONER MITTEN: Madam Chair, can our representative from Corporation Counsel's Office speak to this issue?

MS. NAGELHOUT: The BZA rules are set forth in 3106 and 3106.2 speaks to the requirements that you have to meet to get party status, specifically (e) is a written statement.

MS. MILLER: We can't hear you very well.

MS. NAGELHOUT: The BZA rules, I think, are set forth in Section 3106.2 for what a person has to do 14 days prior to the date set for hearing.

MS. MILLER: I did that. I did that.

MS. NAGELHOUT: Have you addressed the five things listed in E5?

MS. MILLER: I did.

MS. NAGELHOUT: And if you can point the Board to where you've done that.

MS. MILLER: No. 92 in the file. Filed on the 12th.

COMMISSIONER MITTEN: I think the point of contention is that I think a lot of requests that we're getting are a result of some folks feeling that their rights are not going to be -- they're not going to have as many rights to appeal any decision that's made if they are not granted party status by the BZA and that's specifically what I'd like you to speak to if you can.

MS. MILLER: That is correct.

COMMISSIONER MITTEN: Do they have fewer rights to appeal any decision that we make if they're not granted party status? That's the question.

MS. NAGELHOUT: No, I am not able to speak about that for appeal rights. I would -- I think party status is more their rights to participate i this proceeding.

VICE CHAIRMAN SOCKWELL: Madam Chair --

MS. MILLER: I can't understand you.

VICE CHAIRMAN SOCKWELL: Madam Chair, it appears

that perhaps part of the drive for party status for the organization be based on the simple fact that it's easier to bring together individuals to support an action when the organization is bound as a party than when the individuals are asked to come together separately to join as individuals in an action. And I believe that is the reason for the request for party status for the organization as much as anything else, the individuals' rights are probably no different no less than those of the group, but certainly the ability for people to act in cohesion would be improved by giving the group the status and it would enhance their ability to respond as a unit, as opposed to individuals being brought together as individuals.

MS. MILLER: Correct.

CHAIRPERSON REED: Okay, Ms. Miller, is Michael Thomas also a lead person?

MS. MILLER: He's the lead person for ANC 2A and for the community it represents, okay?

CHAIRPERSON REED: That would include you?

MS. MILLER: Not necessarily, because I asked for party status for two groups, first my commission and second, for the people who live at Columbia Plaza that are being so abused at this given point and it's going to get worse.

CHAIRPERSON REED: My question is he is not the -- you're going to speak and you're going to do the cross examination?

MS. MILLER: Right.

CHAIRPERSON REED: For those two entities?

MS. MILLER: Right, correct.

CHAIRPERSON REED: Okay. Just a moment.

(Pause.)

CHAIRPERSON REED: Okay, all right, thank you very much.

MS. MILLER: Could I call the Corporation's attention to the Supreme Court decision in International Union, United Auto Workers v. BARC. That was 1986, 447 U.S. 274 which they confirmed institutional rights of people to be represented or associations and members to be represented. And it does give them, they've got a standing because you can call on a larger group to help you.

CHAIRPERSON REED: Okay.

MS. MILLER: I'd be happy to give her a copy of this.

COMMISSIONER MITTEN: The other person is Mandelbaum.

MS. DWYER: Madam Chair, if I could just make a comment before Ms. Miller leaves? Could she file on the record the authorization from the Columbia Plaza for her to act on their behalf. I know she said it's in the record, but if it's 9 years old, we really should have something current.

CHAIRPERSON REED: We took note of that, Ms. Dwyer,

while we were at our sidebar and it was the consensus of the group that we would like her to file it and each time, for each hearing, even though you may have had it on record. Each hearing that you may participate in in representing the Columbia Plaza Association, submitted each time and then that way there will be no confusion.

MS. MILLER: I can do that, but the President of the Association is down here today. If you'd like to have it reaffirmed now.

CHAIRPERSON REED: We need it in writing.

MS. MILLER: We'll put it in writing.

CHAIRPERSON REED: Okay. Does your Board require that there be a meeting convened and a vote taken to give you the representation, to give you the authority to represent them?

MS. MILLER: Absolutely, the Board gave me the authority to represent them.

CHAIRPERSON REED: Okay.

MS. MILLER: The Board makes the decisions.

CHAIRPERSON REED: Okay. Have the vote recorded in the letter that you submit.

MS. MILLER: It was not counted, but voiced. But I can see what I can do.

CHAIRPERSON REED: Sure. Thank you. All right, Mr. Mandelbaum, we do have your letter, your submission?

MR. MANDELBAUM: Yes. I don't know if I hit the right points in the letter. I don't know if I had that --

CHAIRPERSON REED: That's just it. The items that you were supposed to speak to were not addressed for the most part.

MR. MANDELBAUM: I think I can address those here, if I may.

My single member district is 2A06.

CHAIRPERSON REED: You're a single member district representative too?

MR. MANDELBAUM: Yeah, I am an ANC Commissioner.

CHAIRPERSON REED: All right.

MR. MANDELBAUM: All but one block of my district is within the campus plan boundaries. I'm a current George Washington University student, both undergraduate and graduate and I live in University housing. So I think that my participation is extremely relevant to the case.

CHAIRPERSON REED: Are you associated with Michael Thomas? Is he the lead person for you?

MS. SPILLINGER: Madam Chair, may I speak to that? Perhaps this would simplify things. Michael Thomas will represent the Foggy Bottom Association and he will be the lead person and the first questioner in cross examination. But then where we have members of the ANC who have expertise in particular areas, then they will speak to the case. We again, will make every effort not to be duplicative and not to do this in every case, but just where we have expertise and follow-up that.

CHAIRPERSON REED: So Michael Thomas, you are also going to allow Michael Thomas to be the lead person?

MR. MANDELBAUM: That's correct.

CHAIRPERSON REED: That's fine.

MR. MANDELBAUM: Myself, Ms. Spillinger and Mr. Thomas have participated in discussion with the University, so we've tried to pool all of our resources through Mr. Thomas. Unfortunately, it's a very large case with lots of externalities, so we may need additional people.

CHAIRPERSON REED: Thank you very much.

MR. MANDELBAUM: Thank you.

CHAIRPERSON REED: Then the last person was Sondra Maddox of the Monroe House Condominiums?

MS. MADDUX: Good afternoon, Madam Chair. To correct the record, my name is Sara Maddux. I believe you will find in the letter the resolution from the regularly held monthly meeting of the Monroe House Condominium Board. We represent 110 owners of a condominium at 522 21st Street and I believe that I met all the standards for filing with the explanations for the factors which have been raised as to why we are more impacted than the quote unquote general public which is the standard that was furnished to us.

CHAIRPERSON REED: If I understand it correctly, Ms. Maddux, it states that you fee you are more impacted because of the fact that you were a condominium association with deep

roots in the community.

MS. MADDUX: Yes, Madam Chair, and the other factors that are raised to achieve party status because we are so intimately affected by this proposal as opposed to the general public which I envision as general public as being people strolling by on the street.

CHAIRPERSON REED: The thing about it is general public cannot request or receive party status. It has to be people fall into the category of those that are particularly or uniquely aggrieved.

MS. MADDUX: We are particularly and uniquely aggrieved because we own there. We have fought to maintain. We are a tenant converted building. We used our own sweat equity to achieve what we have there at that building.

CHAIRPERSON REED: And your building is on the border of the boundary of the George Washington University?

MS. MADDUX: Yes ma'am. It's within the 200 foot requirement.

CHAIRPERSON REED: Are you affiliated with Michael Thomas.

MS. MADDUX: No ma'am

CHAIRPERSON REED: So you will, if granted party status, you will then do your own cross examining?

MS. MADDUX: Yes ma'am.

CHAIRPERSON REED: Following the same rules --

MS. MADDUX: I understand the requirement for not having duplicative questioning.

CHAIRPERSON REED: Okay. All right.

MS. DWYER: Madam Chair, just for the record, on what date was that filed because we don't have a copy of that request for party status in our records?

CHAIRPERSON REED: March 20th is the date that's stamped --

MEMBER RENSHAW: It's March 13th it was received. March 13th it was received, dated March 9.

CHAIRPERSON REED: March 13th? Okay, thank you.

MS. DWYER: Madam Chair, if I can just make one other suggestion. With respect to the other parties that have been accorded status, could they be requested to file their materials two weeks in advance of the next hearing? We understand that for the ANC it has notice of requirements with regard to its meeting, but with regard to these other parties, if they could file two weeks in advance, that would be helpful in terms of our preparing.

(Pause.)

CHAIRPERSON REED: Let Mr. McLeod speak.

MR. McLEOD: Good afternoon, Madam Chair.

CHAIRPERSON REED: Good afternoon.

MR. McLEOD: I heard you say the last party. I had submitted a request on April --

CHAIRPERSON REED: I'm sorry, that was just brought to my attention that you were also and I did not -- I overlooked your name momentarily, but go ahead.

MR. McLEOD: Yes, if there's no opposition, I don't want to waste the Board's time. If there is, I'd be glad to address the concerns.

CHAIRPERSON REED: Your basis is for requesting party status?

MR. McLEOD: I stated in my letter and I'm an attorney. I do cross examination. I know my audience is not going to appreciate what I say if it's redundant, so I just avoid redundancy. I'm sure Michael Thomas is going to ask most of the questions I find relevant.

There's one or two points I didn't mention in my letter which were brought out actually be reading the Office of Planning report here. I am a founding member of what's called the Horseshoe Alliance Resource Center. The Office of Planning refers to the ring of residential and mixed use around the central employment area. Theirs is a bit more expansion than what the Horseshoe Alliance was, was West End, Foggy Bottom, Dupont Circle, Logan Circle, Shaw, China Town and Pennsylvania Quarter which is why we call it a horseshoe. It ends at the Mall, at the base. But I think that gives me a unique perspective on the downtown residential areas. I live between the historic Foggy Bottom and Dupont area, Dupont Circle area which are more traditionally

residential. We're in the mixed use zone. Back in 1983 I wrote to either the Office of Planning or Zoning, whoever was responsible for the comprehensive plan and told them of my concerns about the mixed use designation for my area which is north of Pennsylvania. I live just south of Pennsylvania and that's become more mixed use and my concern is that the mixture of residences is maintained as best it can be in that particular area to connect Foggy Bottom with Dupont Circle and the rest. I do live very close to the campus and I have been intimately involved with suggestions to President Tractenburg as to the site of the hospital. I'm concerned about because they didn't build the dorm at that site, pedestrian hazards, and as Office of Planning pointed out, the plan doesn't talk about what's going to happen with the current hospital.

CHAIRPERSON REED: You have to stay with the reason why you're requesting party status.

MR. McLEOD: I think my letter, I think the key point that I have a concern about is my building specifically, 33, I think is the number, apartments were leased by the University, I think a couple of years ago. It is now for their students and given that is the key issue, obviously --

CHAIRPERSON REED: Mr. McLeod, you will be given an opportunity to testify, so at this point in time we're just sticking with the reason why you think you should receive party status and I think we've gotten your letter and --

MR. McLEOD: I think I've met the the requirements that counsel referred to at 3106.2 and I would like to have the opportunity in the rare circumstances that I feel would be needed to cross examine to do that and only a party can cross examine. And again, if I do cross examine, it would b eon something I considered important and just like now, if I'm ont getting the attention of the Board, it's not going to do much good to talk, so I would try and be very particular about cross examining and wouldn't want to take up the Court's time.

Part of the Horseshoe Alliance purpose is to get people involved in this process of the zoning. I do maintain their collection of zoning materials which is at the West End Library.

CHAIRPERSON REED: But the thing about this particular thing, Mr. McLeod is whether or not you would be more uniquely affected than the other people who live right in your neighborhood and in your letter you testified that "the approval of such a plan would subject me and other residents who lived in the neighborhood."

MR. McLEOD: I do refer to other residents.

CHAIRPERSON REED: See, that would not give you uniqueness. It has to be something that makes you uniquely aggrieved.

MR. McLEOD: I just said in 1993 I wrote the Office of Planning, my concerns about the mixed use areas, mixed use

designation for my neighborhood. Now I don't know of other neighbors who did that. I talked about my building specifically being impacted already by G.W.'s lack of campus housing and how it's changed the character of my building.

I've talked about how I organized the Horseshoe Alliance Resource Center which is a resource center for citizens to be educated about the zoning rules so they'll come down here and participate in this process. I don't want to waste your time at all. All I want to do is have an opportunity if the occasion arises to cross examine the party. That's all. That's all I want. I don't want to waste your time and it wouldn't make sense for me to do that. I wouldn't do that, so why is that not unique? Why are the things that I've just described, are there other people that have done those things?

CHAIRPERSON REED: Well, the thing about it is that decision, we're basically just taking information right now and then when you're done then we will make a decision as to who will be granted party status.

MR. McLEOD: I guess you're saying that as a member of the public because other members of the public might be affected too, then basically nobody can meet that standard.

COMMISSIONER MITTEN: Mr. McLeod, maybe if I could just say on the Chair's behalf that when you first articulated the reasons she has a lot to handle in this case and her attention was diverted, so by asking to repeat it, it wasn't that she doesn't

agree with what you said. I think we've heard what you said and we have adequate information to make our decision about party status. She's not saying that she doesn't think you meet the standard. She's just -- I think she missed the first time around when you articulated your unique reasons, most specifically the fact that you have a large number of students in your building. Is that a fair representation, Madam Chair?

CHAIRPERSON REED: I have it also in the letter. I think we understand.

MR. McLEOD: I guess if the Board doesn't want to grant party status --

CHAIRPERSON REED: Mr. McLeod, we have not made that decision. We haven't made a decision on anyone yet. We're taking information and then we'll make a decision as to which persons we feel we should grant party status to. So you have not been eliminated.

MR. McLEOD: So I should just assume that I may be a party?

MEMBER RENSHAW: Just wait for the vote.

MR. McLEOD: So I should just return to my seat?

CHAIRPERSON REED: Just wait. Okay.

MS. TYLER: Madam Chair, I do not know whether or not this is the time to raise this question but Ms. Dwyer requested that the individuals who are going to get party status submit their material, their testimony two weeks ahead of the

hearing which is on the 24th which again I would like to repeat that we receive a stack like this and our chair will speak to that as well of information that we have to wade through and prepare our testimony. So I would respectfully submit to and ask you to reduce that time to one week ahead of time which would give still plenty of time to look at our testimonies, our individual testimonies.

Thank you.

MS. DWYER: We have no objection.

MS. SPILLINGER: I have a question though. I am not aware that members of the -- and I could be totally wrong, members of the opposition are required to file their testimony prior to their presenting. Is there a ruling to that effect?

CHAIRPERSON REED: I don't think there is a ruling necessarily. I think there was a request on the part of Ms. Dwyer.

MS. SPILLINGER: We certainly didn't file our testimony before this hearing. I don't see why we should need to file a testimony before any hearing.

CHAIRPERSON REED: That question will be directed to Ms. Dwyer.

MS. DWYER: If I could respond. I think everyone is interested in getting through the process and streamlining it and enabling everyone to prepare adequately and it would greatly serve the Board's review and our review at the second hearing if

we could have a week in advance the testimony, so our questions can be carefully thought out and very focused and it's similar to the courtesy that we extend to the community by filing our materials two weeks in advance. Other cases where there are more than one hearing, the Board has suggested this in a way of streamlining and focusing the hearing and we're just asking for the same rules here.

MS. SPILLINGER: What George Washington has provided us is an outline of what the different witnesses may testify upon. And I assume we could do the same.

MS. DWYER: What we have provided is a document that includes as attachments, outlines and I think there are about 20 pages of text, so it's basically our case with outlines of testimony. If the same could be provided by the opposition parties that would be appreciated.

CHAIRPERSON REED: All right, Ms. Miller?

MS. MILLER: I wish to object to that request and the reason I do is we have received on the night we had our special meeting to formulate what we were going to send in. We got changes to the campus plan. We just got the economic report and that took the man a month or two to do it and we need a chance to look through it, to analyze it and last night we got the additions to the traffic that Mr. Slade had submitted and they have walked in here at the time of the hearings and they have handed you all things. And if it's possible we don't mind doing

it, but it's not always possible. We have other commitments and other duties and I object to her requesting that because they themselves do not do it.

CHAIRPERSON REED: Okay. I'm trying to -- is there a requirement or is this just a courtesy accommodation? Courtesy. And so therefore if you choose to honor her request to do so a week ahead of time as an accommodation, then that would be great. On the other hand, there is no legal requirement that you do so.

MS. MILLER: Thank you.

CHAIRPERSON REED: You are not compelled to do it if you don't want to.

MS. MILLER: Thank you very much.

COMMISSIONER MITTEN: Madam Chair, can I just throw into the mix that it's not exclusively a courtesy to the applicant or a courtesy to the opposition, but it's a courtesy to us as the Members of the Board if you file things in the most timely manner. We're not attempting to exclude anyone responding to any information, but the more you can give us earlier the more time we have time to digest it, so keep in mind that it's helpful to us and we're the decision makers, so anything you can do to help us is most appreciated.

And if you are able to provide it to the Board, then there's no reason why you wouldn't simultaneously make a copy available to the applicant.

CHAIRPERSON REED: All right, in regard to party

status now that we have beat this horse to death, can we now determine based on the representations to us of the -- is it eight -- persons who have requested party status, then can we have a motion and could we do it in a consent calendar type of mode, except for anyone that you feel should not be included and tell the reason why?

MEMBER RENSHAW: I will move the eight persons who have requested party status to be given party status.

VICE CHAIRMAN SOCKWELL: I'll second the motion.

CHAIRPERSON REED: Is there anyone that any Board Member wishes to remove from that list?

VICE CHAIRMAN SOCKWELL: I have a question.

CHAIRPERSON REED: Question.

VICE CHAIRMAN SOCKWELL: Of Mr. McLeod. Would you come forward, please?

Mr. McLeod, on the floor that you live, this is your home address at 2424?

MR. McLEOD: Yes, it has been since -- full-time since 1983, yes.

VICE CHAIRMAN SOCKWELL: The number of units on your floor, do you have an idea of how many units there are?

MR. McLEOD: I think there are roughly 20 per floor in the building.

VICE CHAIRMAN SOCKWELL: Do you have any idea how many students are on your floor,

student-occupied units are on your floor?

MR. McLEOD: I don't know from the current -- there was a representation made as to students currently living in the building. Now there may be some. In my letter I talk about the University leasing 33 apartments in the building. They did so and then the students moved out. So the University as far as I know does not currently lease 33 apartments in the building. My concern is that they're going to do so again, particularly if there's not enough

on-campus housing which is my key point.

And again, I think Michael Thomas is going to cover most of that, so therefore there would be little need for me to take up your time in cross examination and therefore I would just be sitting back in the rear instance where there was some area I did want to talk about.

VICE CHAIRMAN SOCKWELL: One other question, do you have any idea of the percentage of occupancy of your building at this point?

MR. McLEOD: How much of it is occupied?

VICE CHAIRMAN SOCKWELL: Yes sir.

MR. McLEOD: It's nearly 100 percent occupied. Unfortunately, in terms of long-term residents, there's probably only about 30 of us left in the building. It is currently occupied. It's a very popular part of town to live.

VICE CHAIRMAN SOCKWELL: So the building will lease

for 2-month and 6-month --

MR. McLEOD: It will lease to one month. According to law, it has to lease for at least one month, but many of the people that come in there are World Bank, U.S. Courts, for example. They lease the units and bring people in for one month seminar. It's a very transient, much more transient than it was before G.W. did what it did.

VICE CHAIRMAN SOCKWELL: But those units are committed for long term by the World Bank and others for transient users?

MR. McLEOD: I've just seen the roster of those who get bills and the World Bank is one of them. The U.S. Courts is another. Federal agencies are another. I don't know. They don't share that information with me. No, I don't know that.

VICE CHAIRMAN SOCKWELL: The reason I'm asking the questions is I'm attempting to determine the extent to which the University impact might be possible as a potential. At the current, if the building is virtually fully leased out, then the University wouldn't have access to 33 units, at the present time. And to hold.

MR. McLEOD: But it was virtually leased out when they did so two years ago. I don't think that's a problem for them.

VICE CHAIRMAN SOCKWELL: Well, they can't get a unit unless they move somebody out, but anyway, I appreciate your

answers.

MR. McLEOD: Sure.

CHAIRPERSON REED: All right, thank you. All in favor?

(AYES.)

Opposed? Okay, now that we've gotten that straighten out, let us proceed and again I will ask those of you who have party status that unless you absolutely have to cross examine, if someone else has asked the question, please do not be redundant and if Mr. McLeod is the lead person, he is asking the bulk of the questions, please allow him to do so so that we can try to move this along as expeditiously as possible.

Thank you. Ms. Dwyer?

MS. DWYER: Good afternoon, Madam Chair, and Members of the Board.

CHAIRPERSON REED: I'm sorry. One other housekeeping item.

Mr. Hart, will you please specify the time lines so everyone can be aware of them?

MR. HART: Certainly. The time lines we are working with will be one hour for the Applicant; one hour for opposition; parties, ten minutes in support; organizations, five minutes; individuals, three minutes. And we will be on the clock and we'll ask that you pay attention to the clock. In the past, people tend to ignore the clock and the chair is asking that you

respect the clock. Thank you.

MS. DWYER: Madam Chair, if I may address that. This is a campus plan case. We have many witnesses and a lot of material to cover. When we were last before you for the Mount Vernon campus plan there were special time limits put in place recognizing the complexity of the case and the witnesses and in that case I believe we had two hours which ended up being two and a half hours in point of fact to present our testimony. We have tried to work within that time frame, even though this is a larger campus with many issues. All of our witnesses have been timed, but we estimate that our direct case is going to take two and a half hours.

CHAIRPERSON REED: Well, now, Ms. Dwyer, if in fact, we have your submissions and I might add a voluminous amount of submissions, this book and several other submissions and we have read them. So we are already familiar with the case. We know basically the gist of it and this is an opportunity for you to highlight the salient points and to counter any adverse impact that you anticipate and you don't think that you can wrap it in an hour?

MS. DWYER: Madam Chair, we will try, but just given the number of the witnesses and the different points that we have to cover.

CHAIRPERSON REED: How many witnesses?

MS. DWYER: Our witnesses are listed. We have

eight witnesses and the exhibits and materials that they're going to be presenting. Even if each were to try and hold their testimony to 10 minutes that takes us above the hour right there. Some of the witnesses are going to take longer time, in particular, Charles Barber, because there's a lot to cover in terms of what the University has done with the community meeting process to date. As well, the architects, in order to explain what's going on on the campus, we had given them more than 10 minutes. We had allotted them 30 minutes to go through their presentation.

As I said, even with trying to keep everyone very focused and I can ask them again to be more focused, but we estimated that it was going to take about two and a half hours. If I ask them to reduce that my guess is we may be able to do it in an hour and an hour to maybe an hour and three quarters, but I don't see any way that we can hold it to one hour.

CHAIRPERSON REED: Okay.

COMMISSIONER MITTEN: Madam Chair, if I could suggest that -- I think it's very helpful to set realistic time frames and then the expectation is that those time frames will be respected. I think that maybe at the outset to the extent that okay, we've already got the first time frame, we've been told is unrealistic. Well, let's get all the time frames, either we're going to -- I think we're justified in imposing restrictions on individual testimony and so on, but to the extent that the

opposition's case is going to go longer than an hour, let's find that out now so that when we go forward, everybody is committed to the time frames that they have proffered.

CHAIRPERSON REED: I understand and concur with your comments, Ms. Mitten. The time that we imposed was a time that we just kind of picked out of the air and as a benchmark for moving cases along and it's been proffered to us that that is unrealistic and it just -- it will not allow you to be able to put on your case adequately, then we'll make adjustments and if you say now that you think that it's more reasonable to look at a couple of hours, two hours, then I have no problem with that.

MS. DWYER: Okay.

MEMBER RENSHAW: Madam Chair, I would just like to ask Ms. Dwyer if she communicated her time needs to staff prior to this hearing? In other words, did you let the office know that you were going to need two and a half hours or three hours? Because if you haven't done that I would suggest to the chair that we require, we ask applicants and the opposition to communicate with the BZA the time needs for presentation so that we can better shall we say shape our hearings.

CHAIRPERSON REED: I think that in response to that, Ms. Renshaw, I think in all fairness Ms. Pruitt who is not here today, anticipated this being a humongous case and as such scheduled two days.

MS. DWYER: Exactly, we did have discussions with

staff.

CHAIRPERSON REED: In view of that, that's understandable.

MR. THOMAS: Madam Chair, I am Michael Thomas.

(Laughter.)

The ghost from the front row. I'm the Vice President of the Foggy Bottom Association and I did try to undertake to lead and cross examination. I will tell you and then there's nothing that I don't think that anybody can do about it that I have a personal problem. In my other life I'm a graduate student and I have a presentation, a graded presentation to make tonight at 6 o'clock at the other end of town so I'm going to be getting out of here, unfortunately, early.

VICE CHAIRMAN SOCKWELL: Is this at G.W.?

(Laughter.)

MR. THOMAS: No, although I have taken courses at G.W. as well. But the discussion about the time lines did bring to my mind that the ANC had asked specifically that today be dedicated to the presentation of the Applicant's case and that the opponents put on their case later and I was congruent with the position of OP in their filing that we have had, in fact, some facilitated talks and that they thought that we could have some more that would be helpful in this intervening time. So I don't want to suggest to you that you shouldn't hold the applicant to reasonable time constraints. I'm just saying that in the context

of everything that's going on here in a very large mass of issues that I suggest we probably cannot get through, certainly not with cross examination, we cannot get through the Applicant's case today, it does not seem to me.

CHAIRPERSON REED: Well, if, in fact, it's 3 o'clock, a little after 3 and we now are saying approximately two hours, maybe a little less. That gives an additional hour for cross examination. I hope that we're not talking about needing much more time than that for cross.

MEMBER RENSHAW: When does Mr. Thomas have to leave?

MR. THOMAS: No, I pretty much have to leave here at quarter after 5 if I'm going to get there to make a presentation at 6.

MEMBER RENSHAW: So you will not have an opportunity to cross?

MR. THOMAS: I mean that's what it's starting to look like to me. Obviously, we all sat here this morning for several hours in an unopposed case and I understand that that was for good reason, I don't doubt.

CHAIRPERSON REED: Why don't we get started and then see how far we get. If, in fact, you cannot continue, then you have some very able minded people here who can, I'm sure, responsibly take care of the cross examination.

MR. THOMAS: I have ever confidence.

VICE CHAIRMAN SOCKWELL: Madam Chair, it always seems to appear that the opposition cases are somewhat evolutionary because they are responding to the Applicant's case and their timing may not meet what the Applicant's timing would meet simply because they're responding.

CHAIRPERSON REED: Well, time line-wise, we try to be equal time. So we're now saying two hours for the Application and we would ask that the opposition also take two hours to put on their case. Then you still have the time for the parties in opposition and the ANC report so that should be adequate and fair and equitable, we feel.

MS. SPILLINGER: Madam Chair, one brief question if I might. It's my understanding that there is no time limit on the ANC, is that so?

CHAIRPERSON REED: I did not apply a time on the ANC.

MS. SPILLINGER: Thank you.

CHAIRPERSON REED: Nor did Mr. Hart.

MS. SPILLINGER: Yes.

CHAIRPERSON REED: We just ask that you try to be prudent and reasonable. Obviously, we would not want to see an ANC report that would take several hours.

MS. SPILLINGER: Right, I understand. I just wanted to clarify.

CHAIRPERSON REED: Thank you.

MS. SPILLINGER: Thank you.

MS. DWYER: For the record, Maureen Dwyer with Wilkes, Artis and with me is Allison Prince and we are counsel for the Applicant in this case George Washington University. We are going to suggest that maybe for smoothest for the hearing procedure to get through the full panel of witness and then have questions at the end. That seems to work very well in terms of avoiding repetitive questions and that's the way we're proceeding.

This is only the third campus plan that George Washington University has brought before this Board. The first was in 1970 and that plan had no expiration date. The second was in 1985 which expires at the end of this year and this plan is intended to cover campus plan development over the next 10 years or until the year 2010.

In between or in addition to those campus plan cases there have been over 20 further processing cases that have come before this Board and in those cases many of the buildings that are located on the campus today have been approved and built.

In addition, there have been several court cases and in all of those court cases involving George Washington University's campus or further processing applications, the D.C. Court of Appeals has affirmed the decisions of this Board.

Those court cases have also helped establish the body of law that defines and clarifies the campus plan process and I just wanted to highlight a couple of things about those court

decisions and the prior decisions of this Board concerning campus plans.

One is that campus plans are conceptual. They establish policies for development, not specific buildings. Those are the subject of the second stage application.

Second, in looking at campus plans, the court has recognized that this Board must take into account the needs of the institution.

Third, the test for this BZA is whether the campus plan is likely to create an objectionable impact, not whether there is any impact at all. There will always be impacts and many of those, we submit are positive.

Finally, and most importantly, what the court cases establish is that campus plans are zoning documents. They are not meant to cover every activity of the University in the District of Columbia, nor do they limit the University's right to develop property as a matter of right where the underlying zoning permits that.

We respect the Board's jurisdiction and the decisions of the Court of Appeals that your jurisdiction only extends to the campus plan property. Matter of right uses are not part of the campus plan and we cannot extend your jurisdiction by including them.

This campus plan, however, does address the University's impacts on the surrounding communities and again,

many of these submit are positive. Further, recognizing the sensitivity of both the community and the Office of Planning on the issue of student housing, we have included in this plan a discussion of how the University plans to provide housing for its undergraduate students, both on and off campus and that discussion is found at pages 9 through 11 of our pre-hearing statement.

The issues in this case are not unlike the issues in the 1985 cases and I thought it would just be instructive to highlight for you some of the issues that were before this Board in 1985 and also before the court. In the court's decision on that 1985 plan, it noted that in 1985 the ANC 2A found any increase in student enrollment objectionable, nothing that a shortage of University housing caused housing competition in the Foggy Bottom neighborhood. Back in 1985, the ANC also asserted that the campus plan lacked sufficient detail. And finally, back in 1985, the ANC argued that the University's use of off campus space constituted a de facto expansion of the campus boundaries.

The Board, back in 1985, addressed these issues in its conditions approving that campus plan and you will do the same today or at the conclusion of these hearings.

With that brief overview, I'm not going to repeat the testimony that you will hear from the witnesses. I would just like to point out that in our pre-hearing submission, beginning on page 16, we point out in great detail how we meet the requirements of Section 210 and each of those will be addressed by the

witnesses. In all respects, we believe that this plan meets or exceeds the requirements and merits approval.

With that overview, I will now call the first witness, Dr. Craig Linebaugh, who is the Associate Vice President for Academic Planning and Special Projects at George Washington University. An outline of his testimony can be found at Tab 16 of our pre-hearing submission.

DR. LINEBAUGH: My name is Craig Linebaugh. I've been a member of faculty of the George Washington University for 24 years, holding appointments as a professor of speech and hearing science and a research professor of medicine. For the last three years, I've served the University as its Associate Vice President for Academic Planning and Special Projects.

Now if you will bear with me briefly, I'm going to fly through a whole bunch of slides that you don't even have to look at, lest you get dizzy. (Pause.)

So much for my eloquent exposition of the goals of the campus plan and our academic vision.

(Laughter.)

I trust you all or rather I appreciate the attention and time you've taken in reading through the plan and we'll assume that you are familiar with the goals and the vision that we have for the University. I do want to comment a bit about enrollment. The slide you see before you details our current head count and full-time equivalents. Just for the record, full-time

equivalents as determined in universities is the sum of full-time students, plus the number of full-time enrollments derived by dividing the number of credit hours taken by part-time students by an appropriate conversation factor. That varies slightly for graduate versus undergraduate students.

COMMISSIONER MITTEN: While we're here, could you just say what the conversion factor is?

DR. LINEBAUGH: Sure. The conversion factor for undergraduate students is 12 credit hours per semester. For graduate students, it's 9 credit hours per semester.

COMMISSIONER MITTEN: Thank you.

CHAIRPERSON REED: Is that formula -- where is the formula in your submission?

DR. LINEBAUGH: I don't know that it's in the submission per se.

CHAIRPERSON REED: Please provide us with that because that was one of the issues we were discussing, how -- this always comes up, how the full-time equivalent is calculated, what formula you use. So if you could please submit that to us, we'd appreciate it.

DR. LINEBAUGH: I'd be happy to. It's the standard used pretty much by all universities. It represents normal course load.

The point I wanted to make about enrollments is the potential head count of 20,000 that might potentially be reached

by the Year 2010 over the course of the campus plan. And the critical factor here is this represents no increase from the head count cap that was approved in 1985. I've labeled it as a potential increase because quite frankly there's no way of knowing if we would get to 20,000 over the next 10 years. We deal with a myriad of economic and programmatic factors that allow for variability in this. I'll talk about that variability a little later on.

With regard to faculty, it's a similar situation. You see both current and potential numbers. And again, the issue is one of what is the unknown? Programmatic issues, economic issues leave us in a situation where we cannot predict with full accuracy what the number may be ten years from now. And again, I'll expound on those issues in a bit.

The goals that you are familiar with from reading the campus plan, the various factors that we're dealing with as we try and develop a great University have important implications for the campus plan. One important implication is the further development of the academic core. The concept of an academic core is critical to virtually all university campuses. By having academic buildings in physical proximity to one another, we are able to achieve greater synergies, greater interactions among faculty and students. It also facilitates our addressing a wide variety of logistical issues ranging on the one hand from simply class scheduling to more complex issues related to the deployment

of a technological infrastructure.

Specific to our campus, the development of the academic core which facilitate consolidating academic departments in single locations, currently our School of Engineering and Applied Science, our School of Business and Public Management, have their faculties housed in a variety of locations on campus. It is critical to us to try and bring those units into a single consolidated location.

Other benefits that could be derived from developing the academic core would be bringing various departments into physical proximity to foster interdisciplinary collaboration, providing more classrooms with state of the art instructional technology, providing more teaching and research laboratory space, providing more interior and outdoor spaces that would encourage the sorts of informal interactions that make a residential university experience unique and that offtimes lead to the most powerful insights both students and faculty can derive. Finally, the deploying and supporting of the University's technological infrastructure.

A second critical implication is the need for flexibility in the plan. I must say to you as one who engages in academic planning I would revel in some sort of certitude about what the future of pedagogical practices and demands for education would look like and how we deliver that education. That certitude doesn't exist and quite frankly I believe is unattainable. If you

just think about over the last five years, go back five years ago, I mean who would have predicted with any certainty whatsoever the impact that the world wide web would have on higher education? Yet here we are trying to project out 10 years and anticipate what the nature of teaching, what the nature of learning will be like ten years from now. In a presentation that I gave to the Society for College and University Planning last month, the presentation was entitled "Designing for Change, Learning and Teaching." I talked at length about the uncertainty that all of us in higher education are facing and the various factors that we have to try and cope with and just how critical it is, whether we're talking about physical plant, our hiring practices, our various operating procedures, all of the things that go into operating a university and making a great university, how difficult it is to manage that uncertainty and how we have to remain flexible and agile to address that.

There are two key issues that relate to this need for flexibility as it relates to G.W. One is pedagogical practices. We are working very hard, developing our faculty. We operate a center for excellence in learning and teaching that conducts many symposia and workshops for our faculty to introduce them to the latest things in best pedagogical practices. That includes problem-based, inquiry-based learning and we're doing everything we can to enable our faculty to implement these strategies. We've made great strides in incorporating more

instructional technology into our classrooms, but all of these efforts require significant changes and enhancements in our learning environments.

A second key factor is that G.W. is a tuition-dependent university. We don't have the luxury of a huge endowment, nor do we have the luxury of support from tax revenues. We depend very heavily on tuition. As such, it is critical for us to retain the flexibility to respond to the various factors that affect enrollments, that affect the delivery of education. Among those factors are demographic trends. The number of individuals seeking undergraduate versus graduate education, vary significantly over time. In recent years, the number of high school graduates seeking undergraduate education has been increasing. But that trend is predicted that it may reverse itself around the Year 2010.

We also are working very hard to integrate more information technology into what we're doing and we need the flexibility to stay abreast of the newest innovations and how information technology impacts research, teaching and just the operation of the University at large.

Finally, the economy, it's fairly well known in higher education circles that when the economy is strong, graduate enrollments decrease and virtually every university in the country has experienced that phenomenon in recent years.

Last thing I wanted to mention was some of the

partnerships that we have throughout the District of Columbia. I'll cut this down in the interest of time and mention just he first one. The Center for Excellence in Municipal Management you may be familiar with it. It was established in 1997 and is a unique partnership of Washington area public, private, business and governmental institutions. And its primary focus is to develop leaders. Its hallmark program is a one year graduate certificate program that has been designed specifically for District of Columbia middle and senior level managers and central administrative officials of the D.C. schools. To date, 205 District employees have completed this program and another 95 are currently enrolled. You see before you the D.C. public schools with whom we work very closely. And you see that we work with a range of institutions, ranging from the Hoop Dream Scholarship Foundation that I trust you're all familiar with to the Wagner Society.

I'd like to leave you with one thought. In his April 21st memorandum to you, Office of Planning Director, Andrew Altman stated that G.W.'s central location is a significant asset for George Washington University in terms of easy accessibility by students, faculty and staff to the intellectual and other resources of the city.

I would submit to you that the myriad of partnerships that the University has with District institutions clearly demonstrates that G.W.'s location in the District is a

significant asset for the city whose residents and employees have easy access to the intellectual and other resources of the University.

Thank you.

CHAIRPERSON REED: Thank you.

MS. DWYER: Thank you. The next witness is Charles Barber, Senior Counsel for the University and an outline of his testimony can be found at Tab 17.

MS. SPILLINGER: Madam Chair, excuse me, I do have one problem with this process in that we have already looked at the time and if it takes two hours for George Washington to present all of its witnesses that will be 5 o'clock which is just when Mr. Thomas must leave and he will not have opportunity to cross examine. I wonder if he could cross examine the witnesses after they appear, in other words, if he could cross examine Mr. Linebaugh at this point. Otherwise, we are severely handicapped.

CHAIRPERSON REED: I understand what you're saying. Let's see now, if in fact, he is allowed to cross examine during the time that they're making their presentation, then we will have to be able to manage the clock very, very -- Mr. Hart stepped out for a second.

So are we going to just allow Mr. Thomas to cross examine and then everyone else can cross examine after --

MS. SPILLINGER: We could do it that way.

CHAIRPERSON REED: I have no problem with that, if,

in fact, other Board Members don't have any objection to us allowing -- let me just reiterate what it is, allowing Mr. Thomas to cross examine the witnesses today and then everyone else who may have questions would do it either after he leaves or continue on the next scheduled date, the 24th.

MS. DWYER: Madam Chair, if I could just make another suggestion? Because one of the reasons why it makes sense to go through the panel, some of the questions he asks Mr. Linebaugh may be answered by Mr. Barber. If we could go through an hour of our presentation and then make a judgment then as to how much longer -- we may be able to finish in an hour and a half.

CHAIRPERSON REED: She's right because it may be some of the questions may be answered and at least get through one hour of the presentation.

MS. DWYER: Thank you. Mr. Barber?

MR. BARBER: Thank you, Madam Chair and Members of the Board, as Ms. Dwyer said my name is Charles Barber, I'm senior counsel. I do have slightly revised outline of my testimony which I will submit for the record. I will try to summarize. I will spend just a couple of minutes discussing how our interaction with the community has shaped the filing of our campus plan and I will spend more time on what has resulted from our recent discussions.

This case really began with an Advisory Neighborhood 2A petition filed back in 1998, August, asking this Board to require that the University file its plan in February of

1999, claiming that the plan expired in December of 1999. The University had planned under its internal process to file around this time, April of the Year 2000 since we understood the plan to expire December 31, 2000. The BZA at that time agreed that the plan expired December 31, 2000, but as an accommodation to the community it required G.W. to file an updated plan by January 4th. The point here being that the University in response to its directive pushed up this time frame and speeded up what it had originally planned to do.

We began then in February 1999 with a series of monthly community meetings with ANC Commissioners, representatives of the West End Citizens Association and the Foggy Bottom Association. These were meetings intended to solicit comments prior to preparing the plan. We took these discussions seriously. We had Lou Katz, our Treasurer, there at the opening meeting. Topics were jointly selected. We had a Vice President for Student Affairs leading the discussion about housing and student behavior. We had a Vice President for Academic Affairs leading discussions about academic issues. However, in July of 1999, the community representatives chose to discontinue this dialogue in the absence of a plan document and we had not one prepared at that time. We thought it was worthwhile to continue, but they decided not to.

Thereupon, we completed a draft document for which we provided to the ANC and the community on October 29, 1999. We made formal presentations to the ANC at its November and December

meetings. We listened to comments, made some adjustments and then filed our plan on December 28, 1999. Since that time, G.W. has continued to solicit community views. We've had a number of small group sessions and one on one meetings. We've established a website, a campus hotline. We've made the plan readily available and most significant we made repeated requests to the ANC for more focused discussions. These were not held up until March.

In March, once we had actually a date was given to us, March 29th hearing date, at the request of the Office of Planning, the University gave up its March 29th hearing date to engage in facilitated discussions with community representatives prior to this hearing. I participated personally in those discussions and I must comment from a personal point of view that those discussions were very civil; I felt very useful. While there was not an agreement reached I thought the tone and tenor of those discussions was constructive. I thought and I'm hoping it bodes well for future discussions.

What came out of those meetings? And those meetings were attended by Office of Planning. There was a facilitator from the organization known as Resolve. We reached an agreement on certain issues, but not all issues, and while not all issues were agreed upon, certainly, and you'll be hearing about that, all issues I think were fully vetted in this process and we reached agreement where we could.

As a result of that process, the University made

several changes in its campus plan and these changes are found in the revised Exhibit 13 which we have filed. Let me summarize those and other witnesses will expand on certain of those changes.

One was an enhanced transportation management plan which is designed to increase Metro usage by faculty, students and staff. Those are two main thrusts to this plan. Others will comment a little bit more about this, but basically it involves a Metro check program for faculty and staff, the use of pre-tax dollars for Metro cards and providing Smart Cards to students as well as information including design to encourage them to use Metro.

The second area of agreement was increased efforts by the University to address off-campus behavior issues. We agreed to set up a hotline. We established a Good Neighbor Program for incoming students, hitting them in orientation while they're fresh to the campus and indoctrinating them, if you will, on what it takes to be a good neighbor and agreeing to working with local management companies and buildings in the Foggy Bottom neighborhood.

We proposed an enhanced campus amenities plan. You will hear more about that later in the presentation.

We also recognize that the -- in previous campus plans that we -- the Howard University campus plan and similarly in the G.W.-Mount Vernon campus plan a community advisory committee was established. It was actually a University community

advisory committee had been established and we agreed to such a committee for on-going quarterly meetings. We've reached a general agreement on the purpose of those, of that committee to monitor the campus plan and that we will be providing regular information to that advisory committee.

And significantly we increased the amount of on-campus housing in the campus plan. When we first filed the campus plan, the plan included some additional 310 units, approximately 300 unites. Since that time the University has identified two new priority sites which will add another 426 beds. This doubles the number of new beds that we'll provide on campus. The current number is 3,519 on campus. That number will go up to 4,250.

Let me speak to the University's commitment to housing and speak to some of the commitments we have and proposals we have made to address housing. Now up to now the University has operated to guarantee all students who come to our University and stay in housing program that they will have a room. So if you come in as a freshman and you stay in the housing program, we will always provide a room for you. We did not require students to live in our housing, but we encouraged it.

After extensive discussions with OP and the community, the University has agreed to for the first time to require freshmen and sophomores to live in University-owned and controlled housing. We have resisted this in the past because there quite frankly is a marketing issue. Students like freedom

and as we compete for students, we are very mindful of the policies we put in place, but we thought this was an important policy.

Freshmen and sophomores with appropriate carve outs for nontraditional students -- we selected them for their relative youth and immaturity. They're the ones most in need of guidance in our University housing and when we look at the statistics that we derive from our student judiciary, those students we have most problems with, they are freshman and sophomores and quite frankly freshman account for, by themselves, 56 percent. So we feel by bringing these students and requiring them to live in University-owned and controlled housing, we will go a long way towards addressing some of these off-campus behavior issues.

A second major accommodation that the University is willing to make is to commit to housing at least 60 percent of its entire full-time undergraduate population in University-owned and controlled housing at designated locations and we will maintain this commitment throughout the life of the plan. Now 60 percent is historically a high figure for George Washington University. For most of the life of 1985 plan we provided housing for approximately 50 percent of the full-time students, so 60 percent is higher than that. It is a little bit lower where we are now, 65 percent, but this acts as a floor. This acts as a minimum, something that we can guarantee that we will meet at all times. We hope to do better, but this will be the minimum. The

designated locations would include all existing housing sites, any commercial zones and the high density residential squares immediately adjacent to the campus which the University owns, already owns a significant number of properties.

Now the 60 percent requirement has the added benefit of acting as a kind of soft cap, if you will, of undergraduate students. It doesn't impose a strict hard cap, but we can only increase the number of undergraduates to the extent that we provide housing for them. That's the beauty, if you will, of that 60 percent cap. As Dr. Linebaugh stated, the University has proposed the same cap on total students as in the 1985 plan. A separate hard cap on undergraduate students would unfairly hinder the University's ability to respond to market forces which vary with the relative number of graduate and undergraduate students, but by tying the number of beds to undergraduate students which is being offered for the first time -- the University has never operated like this, we have looked at this informally, but we've never had a requirement to do this. The University would effectively check the growth of its undergraduate population.

The University might be able to provide more undergraduate housing and has a goal of providing 80 percent over the life of the plan, but that's not a goal -- it is a goal, it's not something we can guarantee because it depends on our ability to construct housing on sites that are not now -- on sites we

don't own fully at this time. The University is, however, prepared to report regularly to the BZA and to the Advisory Committee of our progress towards moving towards this goal.

Finally, we would urge the BZA not to impose conditions upon the assumption that all G.W. students, that any G.W. student that the University does not house automatically flow into the community. We don't below that this assumption is supported by reliable data. While we don't have perfect numbers concerning the addresses of our off-campus students, our best data show that approximately 800 undergraduates live in the District outside of University housing and we realize that this is a number that all parties have an interest in. The community has an interest in this number, the University has an interest in this number. The BZA probably has an interest in this number and we are committed to institute policies to make sure that we collect accurate data on exactly where our students live, particularly as they live with respect to Foggy Bottom and we report those numbers throughout the life of the plan to the Advisory Neighborhood, the Advisory Committee, as well as to the BZA.

We have agreed in our discussions with Office of Planning to continue our discussions and to continue to explore housing options and other issues under the plan. The Office of Planning has requested this. We have agreed and so between this hearing and the next hearing we will be continuing to have discussions.

In closing, let me say that the University has demonstrated that it can be reasonable. I mean in the G.W.-Mount Vernon University campus case that was heard just last November and December after a lot of effort we came to an agreement, a full agreement on that plan and that plan was submitted finally with the support of the neighborhood groups in that area.

We have tried equally hard in this case. We have not yet succeeded in reaching a comprehensive agreement, but we have reached agreement on some issues and we expect to continue the dialogue, so I think that demonstration of reasonableness is what the University wants to leave you with and we hope to continue that dialogue as you move towards the next hearing.

Thank you.

CHAIRPERSON REED: Thank you, Mr. Barber.

MS. DWYER: Thank you. The next witness, actually are two witnesses. They are the architects for the campus plan, Colden Florance has appeared before you many times and has previously been qualified as an expert in architecture. I'm submitting to you the résumé for Charlotte Kosmela, an associate with the Smith Group, and I would ask that she also be accepted as an expert in the field of architecture and I'll ask both of them to proceed with their testimony and to abbreviate it.

CHAIRPERSON REED: Do we have their résumés?

MS. DWYER: Mr. Florance has previously appeared before you, so he's been previously qualified. Charlotte has not

and it's her résumé that I'm distributing to you.

CHAIRPERSON REED: Okay.

MR. FLORANCE: Are we ready to begin?

CHAIRPERSON REED: Just a moment, please. Just one moment.

(Pause.)

Just one moment. Charlotte Kosmela?

MS. KOSMELA: Yes.

CHAIRPERSON REED: Under your profile it says Can. Arch. What does that mean?

MS. KOSMELA: Yes, I'm educated from Denmark, the World Danish Academy of Fine Arts. It's a seven year degree. It's equivalent to a Master's in Architecture.

CHAIRPERSON REED: Thank you. I have no problem with accepting this candidate as an expert witness.

Are there any objections from any of the other parties?

MS. MILLER: I haven't seen the résumé.

CHAIRPERSON REED: Please give Ms. Miller a copy of the résumé.

(Pause.)

VICE CHAIRMAN SOCKWELL: Ms. Kosmela, you are not currently licensed in the United States?

MS. KOSMELA: No, I'm licensed in Europe. I am a member of the Architect Association in Denmark and as such, I'm

registered to practice as an architecture in Europe within the EU.

VICE CHAIRMAN SOCKWELL: I won't ask any more questions.

CHAIRPERSON REED: Ms. Miller, did you have an opportunity to look at the résumé. I'll tell you what, let them go ahead and proceed while you're looking at the résumé and if you have a question, we'll address your question, okay?

Go ahead, Ms. Dwyer.

MS. DWYER: All right, the architects.

MR. FLORANCE: Good afternoon. I'm very pleased to be here. I will set the framework for our campus plan and my colleague, Ms. Kosmela will go into the key details. We will keep it brief and we'll move along quickly. I can attest to the qualifications of Ms. Kosmela. She plays a major role not only locally, but nationally in our organization, the Smith Group, in urban planning and urban design issues.

To begin with, we all know that George Washington is an urban campus, a critical urban setting, surrounded by residential neighborhoods, the CBD, the Central Business District, the Monumental Core, strategic indeed.

Ownership. It is a 43-acre campus about 85 percent of which is owned by the University. The University has a stated goal to acquire all of the property within its campus boundary. That was true in the 1985 master plan.

Next. The zoning, I think you're basically

familiar with. The great majority is R-5-D. We are surrounded by C-3-C, other commercial zones, S-P-2, around the campus. Our height is interesting. We tend to be lower than the surrounding communities, the surrounding commercial communities and we have a wide variety of buildings, some 120 buildings. There is, as a consequence, an ability to have a special identity and to introduce open space to create a sense of amenity, the city classroom concept which is important to us. We have limited development. Our 1985 campus plan called for 3.5 FAR where as much as 3,203,000 square feet. Since that time our either built or approved square footage is about 804,000. That constitutes at the moment a 2.83 FAR.

That development we have made certain is development of considerable quality with character, architectural approaches which are compatible and create a sense of a University that is coherent and effective.

Further to that, we have worked very hard to develop street scape community improvements to the benefit of the University, to the benefit of the surrounding community, to the benefit of the city. We're very much interested that people know where this University is and that is is a University with the special qualities that we associate with universities.

The University goals are expressed in detail in the submittal, but they're all about making this an absolutely first class world university and that's what this campus plan is

directed to.

Next. In the process, to support those goals, we have developed a series of principles which are again enumerated in the documents that we have submitted. They deal with academic quality. They deal with the issues of identity and they talk about how we will institute development in connection with those first two goals or principles. The underlying principle, among other things, is that there be no objectionable impacts on the surrounding community. We believe quite firmly that the plan we propose today, in fact, will assure that. And again, the purpose of the master plan is flexibility, a mechanism for the community to dialogue and the balance of our needs, the community's needs and the regulatory agency requirements.

Now with that, I'll ask Ms. Kosmela to proceed.

MS. KOSMELA: Thank you, Colden. Good afternoon, Members of the Board. As Colden already explained, I'm an architect and planner and also an urban designer with the Smith Group and have been for the past 8 years. I have also for the past year and a half been engaged in developing the campus plan, been part of the core team and I will run through, I'll try to be as brief as Colden and do the quick highlight tour of the campus plan.

In summary, and as the following space projections and development plans will show, the campus plan is basically very modest in its scope and a continuation of the approved 1985 campus

plan. In summary, the plan does not propose any changes to the approved boundaries and the plan does not propose any increases in approved population caps and it also does not foresee exceeding the allowable and maximum aggregated FAR of 3.5 FAR.

In response to community concerns and Charles Barber hit the key points here already, the plan commits to a long-term goal of housing 80 percent of all undergraduate students in University-controlled housing and has agreed to add an additional 425 new beds on campus. In addition to that, the University has offered to house a minimum of 60 percent of undergraduate students in University-controlled housing and to house all freshmen and sophomores in University housing.

In other areas, the plan is proposing to increase its current parking range with 240 additional off-street spaces, implement a series of midblock crossings to improve pedestrian safety and sense of community and finally the plan reaffirms its commitment to preserve and beautify the Foggy Bottom community.

As I said earlier, the plan does not foresee exceeding the allowable 3.5 aggregated FAR for residential zones. In 1985, the total existing gross floor area for all zones was approximately 4.8 million square feet and again the projected BZA approved FAR was 3.5, a lot less was developed between 1985 and now and today, the current existing gross floor area for all zones is a little over 5 million. The current FAR is 2.83. Just to explain the difference between what we've developed and the actual

current total, gross floor area, the University has since 1985 taken properties, commercial properties off of their inventory list, properties they do not own such as World Bank, Square 121 and the Pepco Building 119, just to explain that there's only about a 200,000 jump in the total gross floor area.

The proposed campus plan is projecting 953,000 square feet of new gross floor area. The estimate here is anywhere in the range from 5 to 7 buildings, that's the equivalent of the proposed square footage, for a total of a little over 6 million square feet. That will take the University up, if all development is built, to a 3.47 FAR which is very close to the allowable 3.5 and I would like to add that when we originally submitted the plan in December of 1999 without the two new dormitory sites and the 425 beds, our aggregated projected FAR was 3.3 FAR.

In terms of the program expansion, broken down according to the four major University uses, the 953,000 square foot projected gross for error translates roughly into 200,000 square feet for residential, campus life and athletic and what's planned here are the two new dormitory buildings, 582,000 square feet for academic and administrative uses. Four to five academic buildings are planned. We have a contingency in for about 900,000 square feet for medical health expansion and in particular for research purposes and 79,000 square feet for commercial investment and this is potential redevelopment of some properties, commercial

properties along Pennsylvania Avenue.

The plan reinforces existing land use patterns and the organizational framework that was established first in the 1972 plan and subsequently reinforced and enhanced in the 1985 plan. The main land use concepts include to create a focused academic core, to locate support, including residential uses along the perimeter of the campus, to have the commercial edge along Pennsylvania Avenue fronting the central business district and center the medical center around Washington Circle and the Metro where the public can reach its facilities easily.

The plan does not propose any major changes to existing land uses and as such is consistent with the 1985 campus plan. Again, the main concepts here in the logical patterns remain, to consolidate academic uses in a central campus core. That is to co-locate academic uses that have adjacency requirement, but it's also to minimize adverse impact on the community such as noise. This is where we have the most active uses, classroom uses and such where students will travel quite frequently between classrooms and between classes throughout the day.

Another concept remains, to locate residential and support uses at the perimeter where it relates to adjacent uses. And to continue to center medical uses around the Washington Circle and the Foggy Bottom Metro.

Finally, again, consistent with the 1985 land use

plan patterns, we continue to have a commercial edge along Pennsylvania Avenue.

The plan proposes a number of preferred development sites, again, consistent with development sites in the 1985 campus plan. For residential and campus life and support uses we are proposing two new dormitories on Square 80 and 103 and the two existing buildings in Square 77 and 80, that would be 2109 F Street and the West End Apartment are to be enrolled in to the residential life program on an availability basis. They do not constitute new or growth in square footage. They're already part of the building inventory.

For academic and administration, new --

MEMBER RENSHAW: Do you have a pointer that you can show where you're talking about, please?

MS. KOSMELA: I do. This would be the West End Apartment. This would be 2109 F Street and we have proposed residential on 103 and proposed residential on Square 80.

For the academic uses we have proposals for Square 56, 79, 101 and 103. Commercial development, the preferred site for that is on Square 79 along Pennsylvania Avenue and as part of the commercial edge as I spoke about. Medical use proposed for 39 and then in addition to that there's a series of alternative sites. These are here shown as hatched, indicated with a hatch and not a solid, so that's the difference between preferred and alternative uses here. We have a number of academic, alternative

academic sites and Square 54 here is currently its status is being proposed as alternative use for all four categories and that includes residential.

I think we can move on. The reason for the alternative sites is that it's difficult to project which lots can be assembled, which lots will be available so there are certain site constraints that the University is working with and just like in the 1985 plan there was some allowance for some flexibility in terms of having the alternative sites also part of the campus plan. I would like to note here in terms of massing high bulk that just like in the past, the University buildings will, of course, comply with zoning and that we'll typically be addressing in further processing.

As Charles Barber talked about I would just highlight here, the plan has undergone some changes in response to community issues since we originally filed in 1999, in December of 1999. We now expect to increase the number of student beds by 28 percent. During discussions with the community, the University has furthermore proposed to house all freshmen and sophomores in University-controlled housing and to provide a minimum of 60 percent

full-time undergraduate students in University-controlled housing. As a longer term commitment, the plan is committing to housing 80 percent of all students in University-owned or controlled housing.

We can go on to the next, thanks. Since the 1985

plan, the University has built 433 beds on campus and that would be in the Newhall Dorm located here. The plan is proposing to almost triple that amount within the next 10 years with a total of 1275 planned new beds of which approximately 725 beds would be located within campus boundaries and they include 302 beds on 2109 F Street and West End Apartments and then the two new dormitories that are proposed here that would have a capacity of approximately 425 beds.

In addition to that, the University is planning to build 550 beds outside campus boundary on Square 43, outside campus boundary, and also as part of the planned unit development on Square 122, the AGC side, with 200 beds.

In terms of open space, the plan is proposing to continue the open space plan and open space improvements that was set forth in the 1985 plan. The key concepts here remain to concentrate open spaces in the area generally considered the central campus core. You'll see that on the amenities plan in a moment. One of the reasons that the University is taking on and pursuing that concept is again noise abatement, it's the central campus corridor where the students will congregate in between classes and it will lessen the noise impacts for the community to have it centered.

Also, it's a continuing goal for the University to link open spaces and the pedestrian system throughout campus.

Also, what the University has been undertaking

since 1985 is to increase landscaping throughout campus and that includes sidewalk, trees and secondary plantings and you'll see quite a lot of that throughout campus to soften the building edges.

We can move on. Finally, the plan also proposes to continue to create a distinct and identifiable campus community and examples of the current amenities program include implementation of signage programs, special gateway entries in this plan, addresses some of the locations for perimeter markings, key campus gateway entries and also, as I've just mentioned, the key focus spaces and open spaces within the campus core that have recently undergone some significant improvements and particularly the university quad.

One of the new features of this campus plan is a series of midblock implementations. I think we can skip through that, is a series of midblock crossings. The proposed midblock crossings are not street closings, but they're rather street common devices. They will not infringe upon public right of way and they will not prevent any type of vehicular access. We're excited about the midblock crosses because they will make for a safer

community-pedestrian environment. They will be marked with special pavers and sidewalk designs. The highest priority areas are along H Street and I Street. I don't know if you want to go back. That's okay. We can take questions. We are right now

engaged in a dialogue with DPW regarding the midblock crossings and are hopeful that we'll be able to implement on a trial basis one or two of these midblock crossings.

That concludes the highlights of the campus plan. I just want to turn it back to Colden for a couple of conclusions.

MR. FLORANCE: Just to wrap it up, I think you can see that indeed it is a relatively modest plan. It fully complies with zoning regulations and what we suggest in short is that with further processing it sets the stage for the development of the campus without objectionable impacts and we're quite pleased with the situation that it now leaves us in.

So thank you very much.

MEMBER RENSHAW: Excuse me, would you tell us what tab the text is on, the text of these slides?

MR. FLORANCE: What tab, I don't know.

MEMBER RENSHAW: Ms. Prince is shaking her head over there.

MS. DWYER: Ms. Dwyer, I'll answer that. We didn't submit the power point presentation. The outline of their testimony and the drawings are all included in the pre-hearing submission.

MEMBER RENSHAW: Would you submit the power point presentation?

MS. DWYER: Certainly, we'd be happy to.

MR. FLORANCE: Absolutely.

MS. DWYER: The next witness is the traffic consultant and I would ask Louis Slade to come forward. You have previously qualified Lou Slade as an expert in transportation or an expert in traffic engineer. With him is Nicole White and we're submitting her résumé. She has not appeared before you before. We've given copies to Ms. Miller and others in audience and we'd ask that she be accepted as an expert in this area as well.

CHAIRPERSON REED: I was about to ask I thought that I remember your testifying before us before?

MS. WHITE: No, I have not testified as of yet.

CHAIRPERSON REED: Just been here with Mr. Slade?

MS. WHITE: Yes.

MS. DWYER: She's been in the audience, but she hasn't spoken.

MS. WHITE: Many times.

CHAIRPERSON REED: Okay. Ms. Dwyer, are we at the halfway point or where are we?

MS. DWYER: Yes, I think -- as soon as we finish this testimony right here that may be a good point to take a break and ask questions.

CHAIRPERSON REED: How many more witnesses do you have after the transportation?

MS. DWYER: We have four witnesses, but I think we might have two that submit on the record and it's really going to be, probably just another 15 minutes of testimony after this.

CHAIRPERSON REED: Okay. Wait a minute, you mean in addition to Mr. Slade?

MS. DWYER: Yes, his testimony should be about 7 or 8 minutes and then we'll probably have another 15.

CHAIRPERSON REED: What I'm asking you, the last, the 15 minutes that you're referring to, does that conclude your presentation?

MS. DWYER: Yes. I think we can finish our presentation by 4:30 or less time than that. My watch is faster, but in another 20 to 25 minutes, we will be done.

CHAIRPERSON REED: Then that would -- okay.

Mr. Thomas, given the time line that we're working with now, we understand the anticipation is to be done by 4:30. Would you rather until they finish completely before you ask questions or do you still want to break, maybe after the transportation report?

MR. THOMAS: If it's all right with the Board, I would prefer to ask questions after this presentation, if it's all right.

CHAIRPERSON REED: All right, very well. And then we'll conclude with the -- your last 15 minutes or so?

MS. DWYER: Yes.

MR. THOMAS: Do you want to identify who those last witnesses are?

COMMISSIONER MITTEN: Excuse me, Mr. Slade, I just

wanted to ask a quick question of Ms. White because it's not indicated in her résumé.

How many years of experience do you have?

MS. WHITE: Four years of experience.

COMMISSIONER MITTEN: And that's been entirely with Grove Slade?

MS. WHITE: Grove Slade Associates, yes.

COMMISSIONER MITTEN: And what was your initial area of responsibility when you were hired from them? I'm looking for the progression of responsibility in the four years?

MS. WHITE: I was hired as an entry level engineer and I'm not project engineer for several campus plan projects. I have worked with the University on specific development projects for the past three years, so I think I really have a very good understanding of traffic and parking on the campus.

COMMISSIONER MITTEN: Madam Chair, I guess as someone who also testifies in my area of expertise as an expert witness, four years of experience to me is not sufficient to qualify as an expert and to be able to really -- to have the full range of knowledge that I think goes with that designation.

CHAIRPERSON REED: How many years do you feel is adequate?

COMMISSIONER MITTEN: I don't know, but four seems light to me. That's just my impression.

MS. WHITE: Madam Chair, if I could just take a

minute to explain some of my other credentials. Aside from having three years of experience working specifically with George Washington University, I'm also project manager for American University, Georgetown University. I have worked extensively on the Goddard Space Flight Center Campus Plan, the National Institutes of Health Campus Plan. I'm currently a graduate student at the University of Maryland. I am certified as an engineer in training which is an accelerated program to receive a professional engineer certification. Usually, it takes 10 years. I will qualify to receive my certification this fall.

CHAIRPERSON REED: Okay. Thank you, Ms. White.

(Pause.)

MS. WHITE: Madam Chair, I'm sorry to interrupt, but may I just make one last recommendation. Perhaps I can present the date and if you don't feel comfortable with me making conclusions then we can refer back to Lou Slade who can make the conclusions, but because I was out in the field doing a lot of the work, I think I can present the data a little better than Lou can.

MS. DWYER: Why don't we do that?

CHAIRPERSON REED: Is that okay?

COMMISSIONER MITTEN: I don't have any objection to her making the presentation. I just think there's a special sort of weight that goes with being designated an expert.

CHAIRPERSON REED: I think also that even though that's why I was asking about the number of years because I was

looking for the depth of experience and if she could demonstrate that she had adequate experience with -- in this field that would then make her qualified as an expert witness. I'll be interested in accepting her as such. I would be convinced that she has the depth and extent of experience that would be necessary to do so.

If you have someone with 10 years, but maybe they have not had the extensive exhaustive experience that would be required in order to be able to present, so I think Ms. White your suggestion and given the fact that there was some question that you give us your presentation, based on the fact that you were actually there with the hands on experience working on this particular project and Mr. Slade is there for your backup and then can give his conclusions. That will work.

MR. SLADE: Madam Chair, my name is Louis Slade and I'm a principal with Grove Slade Associates. I reside at 3500 Quesada Street. I'm accompanied today by Nicole White who will participate in the testimony with me.

The firm and the two of us have extensive experience at George Washington University and at a number of other campuses here in Washington as well as in other locations. We can go into that if there's any questions. I want to make just an introductory remark and then turn it over to Ms. White. As I'm sure you're very familiar with this campus as well as the other campuses within the city, this campus has some unique characteristics with regard to transportation and I want to

highlight those before Ms. White starts.

First of all, as you know as Mr. Hart's enumeration of the squares and the lots indicated, this campus is part of the urban street grid and it's divided up by a number of east-west and north-south streets which carry commuter traffic and local traffic. It's unusual from that standpoint. All the other campuses in the city are for the most part, have gates where you enter and then you're on certainly private, internal circulation system, but George Washington shares its circulation with the city street network as well as the sidewalk network.

The other key aspect and most importantly is its access to Metro rail service and Metro bus service. It has a station on campus. It's named the Foggy Bottom Station and sometimes we overlook that there's another station just about a block east of the east edge of the campus at Farragut West. This is a real defining factor for this campus and I'm sure if we look before Metro rail came and the way the campus operates now we'd see a vast difference because we know from our data that the employees of the University and the students of the University extensively use Metro rail rather than drive and park. And what you'll see from our data that Ms. White will present is the amount of traffic that the campus generates in the amount of parking that it needs is relatively small for a campus of this size because of Metro rail.

When there is a large institution we all look at it

and we look at the characteristics of the traffic around it and we tend to think that the institution generates all that traffic. We've done an analysis of the traffic using the streets that are within the campus. Eighty-three percent of the traffic using those streets on an average day is non-campus traffic. Only 17 percent of the traffic on the campus streets is generated by the University.

This means that with the relatively modest amount of growth this campus plan forecasts, that the increase in traffic due to the campus plan on the street system is very, very small. Probably in the range of 1 percent. So overall, our responsibility here to look at the adequacy of the parking and the transportation system to serve this campus plan, based on that order of magnitude of impact -- I'll stop there and let Ms. White proceed and then I'll conclude for us.

MS. WHITE: For the record, my name is Nicole White. I had a power point presentation prepared but in the interest of time I'll just speed it up. I think it's best to summarize the main points of our study and the four components, that is, traffic, parking, safety and then the transportation management plan.

With respect to traffic, we collected extensive amounts of data. We went out to intersections along the perimeter of the campus plan. We also referred to DPW's average daily traffic volumes and then in addition I talked about the general

observations that myself and members of th Grove Slade staff made. To just add on to what Mr. Slade has already mentioned, that there is 83 percent of the traffic within the campus plan boundaries that we believe is not directly associated with the University. Aside from my calculations, I cannot count that 83 percent continue north or south, but I did witness high amounts of traffic that did not turn into parking facilities or into the core of the campus, but during the morning they kept north of Pennsylvania Avenue and during the evening rush hour period they kept south headed toward Virginia. So I just think it's important that the Board understand that the University does only make up a small percentage of traffic within the boundaries.

We looked at two different types of analyses. One was a link capacity analysis and that's just a segment of each roadway. We looked at all of the roadway segments within the campus plan boundaries. We calculated a practical capacity, a textbook capacity for each of these links and then we compared the traffic volumes that we counted to that practical capacity and in each case the traffic volume was less than the practical capacity that we calculated, with the exception of 19th Street and 19th Street is on the edge of the campus boundary. Does not provide any direct access to any of the university parking facilities and again, Mr. Slade talked about the significance of it being a grid system of parallel streets so if 19th Street becomes too congested, then people have the flexibility to divert to other

north-south streets.

In addition, DPW asked us to perform a level of service intersection analysis at three intersections. DPW doesn't really have standards for central downtown districts such as this. Other suburban areas have a level of service, D or better is the standard and the University was within that level so even though DPW doesn't have levels for the business district the University exceeded suburban level of service which is a D or better for each of those three intersections.

I'll move on to our future projections for traffic. Dr. Linebaugh talked about full-time equivalent growth for students and also for faculty and staff. We used those projections and expected that traffic would increase at somewhat of a similar rate, although realistically we expect it to grow at a rate a little less than that. We use 24 percent as an overall rate, but Mal Rivkin and Charles Barber have talked about -- Mal Rivkin will talk about the TMP. Charles Barber has already spoke about it and we expect traffic to grow at a rate less than 24 percent because of that. So then when we came up with our future traffic volumes, we used the same analyses that we did to conduct our existing analysis and we found again that all of the intersections operate at a level of service D or better and we found that when we compared again the practical capacity for all of the links to the volume that we counted that in each case the volume was less than the capacity except for at 19th Street which

we talked about already and also at G Street, but then again I want to bring to the Board's attention that traffic can divert to other east-west streets if it's too congested, because there's adequate capacity on the other east-west streets.

With regard to parking, there's currently parking requirement in place from the existing campus plan that the University should maintain between 2700 and 3000 parking spaces. Currently, the University has 2782 parking spaces on campus and that does include 150 parking spaces that are at the Kennedy Center which the Board has heard about on prior cases brought to your attention.

Back in April of 1999 we did a week-long survey for four time periods throughout the day and went in and counted every car that was parked in the University parking spot and we came up with a demand of 2,437 spaces which is about 91 percent of what the parking spaces are in the campus plan boundaries and then when you take the Kennedy Center spaces into the equation, then that's at 90 percent which is really a good rate of occupancy. That's what we try to design for, 90 percent occupancy.

We wanted to project what the future parking requirements would be on the campus so we again looked to the population growth factors and we increased the existing demand by these population growth factors. We also took into consideration that you want to have a balance between providing adequate parking to meet the needs of the University, but also you don't want

parking to grow at such a rate that you have traffic problems, so had two objectives and that is to meet parking requirements on the off-street parking requirements and also to minimize traffic impacts.

So we thought it was best to keep the lower limit of 2700 because like I said, the University is currently able to accommodate its existing off-street demand now and there will not be any big increase in population over the next year when the campus plan is put into place. So we felt we should keep that lower limit and then the upper limit jumps to 3,240 and that takes into consideration the growth components.

The community has expressed a concern to the University about the lower limit being at 2700 so the University has agreed to raise that limit to 2800 in the future after the University parking garage expansion project is complete. And it's scheduled for completion in October.

With regard to safety, we did not do an extensive analysis of safety. We just wanted to highlight a few areas of concern that the University brought to our attention that we made observations at so those were three different intersections. I do want to take a minute to just talk about the midblock crossings that Charlotte and Colden Florance have already talked about.

With respect to traffic, we think this is a good concept here. We counted midblock crossings during the middle of afternoon. There was 1,000 students that crossed in the middle of

block which was about three times more activity than the vehicles on H Street, so we definitely think this is a good thing to implement. We think it will help to concentrate midblock crossings in specific locations and also will improve traffic flow on H Street.

The transportation management plan is a tool that will really help to make this traffic and parking work well for the University. A lot of universities have TMPs in place, a lot of federal institutions have them in place and the primary purpose of them are to minimize traffic impacts and to maximize your offstreet parking demands. So the University has worked with WMATA and they're doing a good job of enhancing their existing TMP so that's why we believe that this campus plan will work.

Mal Rivkin who will testify after me will talk in greater detail about the TMP.

And I'll turn the conclusions over the Lou Slade at this time.

CHAIRPERSON REED: Thank you.

MR. SLADE: Ms. White's other qualifications is she can get it out faster than I can.

(Laughter.)

We have done extensive studies and we think that the plan itself fully accommodates the transportation and parking requirements that the potential growth over the next 10 years will generate. And does so in a way that it will have no adverse

impact on the community or on the city street system and the parking system.

Thank you.

CHAIRPERSON REED: Thank you, Mr. Slade. All right, Mr. Thomas.

MEMBER RENSHAW: Excuse me, Madam Chair, I'd like to ask Ms. White if she would submit her power point presentation that we didn't get to see.

MS. WHITE: I sure will.

MEMBER RENSHAW: Thanks.

CHAIRPERSON REED: Okay, Mr. Thomas, did you want to start with these witnesses in the cross examination?

MR. THOMAS: I'd like to start with Dr. Linebaugh.

(Pause.)

MR. THOMAS: Thank you, Madam Chair. Dr. Linebaugh, I wanted to ask you a few questions about the enrollment numbers. The 1985 plan set an undifferentiated enrollment tab of 20,000. By undifferentiated, I mean it didn't differentiate between full-time, part-time or graduate or undergraduate. Is that your understanding?

DR. LINEBAUGH: That's my understanding, yes.

MR. THOMAS: And that was for the University, is that right?

DR. LINEBAUGH: The University as it existed in 1985, I believe, that is correct.

MR. THOMAS: Right, and I understand that the University has added facilities in Loudoun County and Mount Vernon and other places since then, is that right?

DR. LINEBAUGH: That's correct, I believe in 1985, the University was essentially the Foggy Bottom campus.

MR. THOMAS: Essentially, and so when we're saying that there is no change in the enrollment cap, what we really mean is that now the University wants an enrollment cap for the Foggy Bottom campus only of something like 3340 students more than are currently enrolled there?

DR. LINEBAUGH: What we are talking about is the Foggy Bottom campus plan and the head count cap that is contained, that is proposed in the plan is for the same 20,000 student cap that was approved in 1985, that is correct.

MR. THOMAS: I'm not saying that there was anything underhanded about it, I just want to be clear on the record that we are now talking about a cap for the Foggy Bottom campus only of 20,000?

DR. LINEBAUGH: That's correct.

MR. THOMAS: And that would allow the University, if there were no other caps in place, to add over 3300 students at the Foggy Bottom campus only whatever they did at Mount Vernon and Loudoun County.

DR. LINEBAUGH: By head count that's approximately correct, yes.

MR. THOMAS: And those could be all

full-time students? I'm not asking you to predict that they would be, I'm just saying as the cap is constructed --

DR. LINEBAUGH: Hypothetically, they could be.

MR. THOMAS: Okay. If you know, how many are enrolled at the Mount Vernon campus?

DR. LINEBAUGH: There are approximately 230 students.

MR. THOMAS: And how is it determined that a student is counted against the Mount Vernon campus as opposed to the downtown campus or the Loudoun County campus?

DR. LINEBAUGH: The full-time student count at Mount Vernon campus is based on those students who live on the campus.

MR. THOMAS: Wherever they take their courses?

DR. LINEBAUGH: Wherever they take their courses.

MR. THOMAS: So that they could end up taking the bulk of their courses on the Foggy Bottom campus, if they lived at Mount Vernon and they would be counted against Mount Vernon?

DR. LINEBAUGH: You could make that argument, however, the data indicates that the programming we've offered at the Mount Vernon campus. That's not what happens. There are -- Mount Vernon campus students who live on Mount Vernon, there are 943 course enrollments there by the resident students, so that works out to slightly four courses per student. As I'm sure, you know, the average course load is five courses, so the students are

overwhelmingly taking their classes out at Mount Vernon. Here, the key point to remember is that the movement of students back and forth between Mount Vernon is accomplished by a shuttle bus, not by individual transportation.

MR. THOMAS: All right, the University is not proposing that there be as a condition of the approval of this campus plan any understanding as to how students will be counted against different campuses?

DR. LINEBAUGH: Say that again?

MR. THOMAS: Well, you've explained how you came up with some rough numbers as to what's been counted against Mount Vernon?

DR. LINEBAUGH: Right.

MR. THOMAS: The University is not coming forward with a proposal that conditions approval of the campus plan on some understanding as to how student enrollment will be countered against different campuses?

DR. LINEBAUGH: I believe that's correct.

MR. THOMAS: There have been proposals and I can't -- my memory is not good enough and I don't have everything in front of me, there have been proposals for adding housing at various places, some of them on campus and some of them off campus. Does the University now know how many people are living in Foggy Bottom that have matriculated at George Washington University?

DR. LINEBAUGH: I'll refer to any housing questions to Mr. Barber. I'm the academic planning.

MR. THOMAS: Well, let me just ask a general question, the University is planning to move the Eliot School, as I understand it, off campus?

DR. LINEBAUGH: It will move to the PUD on E Street, that's correct.

MR. THOMAS: So it moves to a point which is not within the campus boundary?

DR. LINEBAUGH: That's correct.

MR. THOMAS: And it is a core academic building?

DR. LINEBAUGH: The Eliot School is an interesting -- I would almost anomaly within the University. The Eliot School is a free standing school at the University. However, it has a very small number of faculty that are unique to the Eliot School. It draws its faculty and its coursework primarily from the Columbia School of Arts and Sciences, the Departments of History, Economics, Political Science, Geography and so forth. So locating that small, relatively small administrative and some research centers slightly outside the boundary, as you know, it's what about 20 yards, should have no real impact.

MR. THOMAS: Right, I mean it will operate just like any other academic building within the walking campus, right?

DR. LINEBAUGH: Essentially.

MR. THOMAS: And so from an academic's point of

view, your point of view, the boundary doesn't mean anything?

DR. LINEBAUGH: From an academic's point of view, the boundary doesn't mean anything. What means -- what's important to me is having excellent facilities for our students that are readily accessible and that site on E Street will significantly enhance the facilities we have available to our students and it will be readily accessible.

I believe you also know there are two University dormitories within the campus plan that are, for all intents and purposes, immediately adjacent to that building.

MR. THOMAS: I understand. So the case you just made is that from an academic's point of view, it's better to have this teaching building where it is planned to be, which is outside of the boundary, then at some other place?

DR. LINEBAUGH: But you have to remember that what we're talking about -- I suspect you're headed toward the concept of the academic core. And what you have to remember is we're talking about faculty, faculty whose offices, the Eliot School faculty, the faculty who serve the Eliot School, their offices will continue to be located, the primary teaching will continue to occur in the campus core. The offices are mainly in the academic center and Funder Hall. And so that locating elements of the Eliot School, locating the Eliot School on E Street does not significant pull away from the academic core.

MR. THOMAS: And so for planning for academics

again, where the boundary is doesn't make any difference. It's where things are physically located relative to each other?

DR. LINEBAUGH: You could make that statement.

MR. THOMAS: Would you make that statement?

DR. LINEBAUGH: I'll make that statement. To me, the core locations are the key issue.

MR. THOMAS: Some of your testimony was to the effect that the University, unlike some universities with large endowments and/or a lot of government money, is tuition driven or tuition dependent, I think you --

DR. LINEBAUGH: That's -- uh-huh.

MR. THOMAS: Could you explain for us how an enrollment cap of 17,000 or 17,500, given that you've got fewer than that now and that tuition go up, generally, would be specifically detrimental to George Washington University.

DR. LINEBAUGH: An undifferentiated cap?

MR. THOMAS: Let's start there.

DR. LINEBAUGH: Okay. I'm going to slightly challenge one of the statements you made. I'm not going to directly dispute that tuition generally go up.

But what I will say that was an error of fairly large tuition increases by many private institutions through the late 1980s and well into the 1990s are essentially over. Universities are simply no longer able to effect large tuition increases. There have been universities that have actually, this

past year, made no increase. I know of some schools that actually decreased their tuition this past year, as remarkable as that may seem. They were able to do that in the face of very large tax surpluses in the States. These were State schools.

The difficulty that you run into with any kind of a cap and I'll return to what is my flexibility theme because it's the one that I have been talking about not only in these proceedings, but in Society of College and University Planning meetings as well is that there are so many things going on in the higher education world, be they the need to bring in cutting edge instructional technology to the classrooms, be they the need to make high speed world wide web access available throughout your campus, be it the hiring of top flight scholars in many fields where there are shortages, not all fields are like history or English literature. There are many fields where there are critical shortages. When you are pushing toward research one status which puts you in the elite, right now there are only 89 research one universities in the country, when you're pushing for that status you need first rate researchers, scholars, professors to get there. Those individuals require first rate research facilities and technological support so that the need to respond to all of these things that drive you to increase the quality of your campus, the quality of what you're doing, combined with what are very variable demographic trends, factors that either bring students to a campus or don't bring students to a campus make

operating I would say almost with any kind of a cap a very dicey proposition for a tuition-dependent university.

MR. THOMAS: So your argument is that you need the flexibility of a swing of several thousand student enrollment in order to meet these pressures that as you would argue every significant ambitious university needs to meet?

DR. LINEBAUGH: I can respond in a couple of ways. You say a swing of several thousand students. You posed a cap of 1700. Well, that's less than 400 above the current Foggy Bottom head count.

MR. THOMAS: I'm testing my understanding of your answer. You're saying that because you need to be able to respond to the marketplace, you need to have room amounting to more than 3,000 students in order to respond to that market over the next 10 years?

DR. LINEBAUGH: My personal preference?

MR. THOMAS: No --

DR. LINEBAUGH: Would be that there would be no cap, okay, because I think it places a constraint. Now you and I both know that there are constraints on universities relative to the types of facilities that we have available. G.W. is not an inexpensive place to attend. We must offer a top of the line education to our students or our students can go somewhere else. To that end, we need to be able to respond to the forces that are driving education qualitatively. That's absolutely critical to

us. MR. THOMAS: And I take it that you would say that that is a dilemma that is uniformly faced by universities?

DR. LINEBAUGH: I think many universities are faced with exactly the same thing. Princeton which has an immense endowment, it's roughly 10 times greater than G.W.'s is planning to increase their undergraduate enrollment by approximately 11 percent over the next five years, so these are issues that all universities are struggling with. Historically, the cost of providing a quality education has increased far in excess of inflation rates and cost of living rates. So it's a reality that we must deal with.

MR. THOMAS: Whereas Georgetown University is asking for, as I understand it, 500 more students which they're willing to parcel out 50 a year over the next 10 years, as an increase over their current enrollment, a very different approach, Dr. Linebaugh.

DR. LINEBAUGH: And a very different university.

MR. THOMAS: My understanding is and correct me if your information is different, that Harvard College has grown by essentially 16 percent over 70 years.

DR. LINEBAUGH: Well --

MR. THOMAS: I'm testing whether the degree of flexibility that you would like to have as an academic turns out, in fact, to be something that universities have to have from zoning commissions and zoning authorities who are trying to

balance the needs against those in the community.

DR. LINEBAUGH: I will confess that my knowledge of other universities is somewhat limited. I think the fallacy of using Harvard, Georgetown or Princeton as a comparison are really pretty transparent.

VICE CHAIRMAN SOCKWELL: Excuse me, if I might suggest, generally we don't enter discussions that revolve around those universities which are not germane to the specific central core of our theme here and I would want to go on to something more focused.

DR. LINEBAUGH: So much for our academic discussion.

MEMBER RENSHAW: It's interesting.

DR. LINEBAUGH: I enjoy debating these issues, I have to confess.

VICE CHAIRMAN SOCKWELL: Mr. Thomas does want to get out on time.

MR. THOMAS: Thank you for reminding of that. I will immediately turn to something else.

How many full-time undergraduate students are currently at the Foggy Bottom campus, do you know?

DR. LINEBAUGH: I can tell you that as of the fall census which was our official reporting date for a variety of agencies, the number 6,846.

MR. THOMAS: Do you have a projection for the

entering class in fall of 2000?

DR. LINEBAUGH: I'd have to verify that. I believe the projection is 1800 or 1900 freshmen.

MR. THOMAS: And what does that imply in terms of a totally full-time undergraduate count.

DR. LINEBAUGH: I know you're not going to like this answer, but it's probably going to put it around -- may push it to the neighborhood of 7,000. Again, that's somewhat unpredictable. This past year, for fall 1999, the number is as high as it is because I'm happy to say this since I wrote the strategic plan and chaired the committee that developed it, we had the highest freshmen and sophomore retention we've had in the history of the University. I'd like to believe that we can repeat that again next year. I have no guarantee that that will happen. If we drop back toward our more historic levels, the number may actually be less than 7,000, maybe quite close to what it is is now.

MR. THOMAS: So I take it that given that approach it's impossible to say what it would be over 10 years?

DR. LINEBAUGH: Just about. We do our best using three year rolling averages.

MR. THOMAS: Given the proposals that the University is making in this campus plan, it could be say, over 9,000?

DR. LINEBAUGH: Again, if you --

MR. THOMAS: That's full-time undergraduates, I'm sorry.

DR. LINEBAUGH: If you simply took the head count, assumed they were all full-time undergraduates and added that to the current number, sure, you can get there.

MR. THOMAS: And I know you're not answering housing issues, but there aren't any plans to house all of those students if they show up as far as you know?

DR. LINEBAUGH: I don't do housing.

MR. THOMAS: All right, thank you.

DR. LINEBAUGH: I don't go anywhere near housing. I worry about classrooms. I worry about technology. I don't do housing. Housing is there.

MR. THOMAS: Madam Chair, let me move on and ask questions of Mr. Barber if I could. Thank you, Dr. Linebaugh.

MR. BARBER: Could I start by clarifying one thing? The question of full-time students possibly going to 20,000, that is true under the current campus plan with a cap, a head count cap of 20,000 and so theoretically you could have a full-time, all those could be full-time students. That is under the proposed campus plan, that is not possible because for the first time we're introducing an FTE cap and so an FTE cap effectively caps the full-time students at a lower number than 20,000. And so long as we have a significant part-time number, the full-time students will be significantly lower than even the

16,500 or so FTE number. I just wanted to explain that.

MR. THOMAS: Mr. Barber, I wanted to ask you -- I'm going to try to limit this pretty much to relating housing sites and numbers to students and to the campus plan boundaries. Those are my topics. First, just a matter of interest, the two on campus sites which the University is now proposing to add as sites for student housing, does the University own all of the properties that would be necessary to build those two facilities?

MR. BARBER: No, it owns most of the properties. There are a couple of pieces missing.

MR. THOMAS: Is it possible for the University now to commit that it would use those two sites for housing?

MR. BARBER: That's the purpose of the plan. That's a preferred housing site, but it is subject to acquisition of, assemblance of the entire site, yes.

MR. THOMAS: So to be clear for the BZA, the commitment is if and when you acquire the necessary real estate, you will build the housing?

MR. BARBER: That's correct, on those two sites.

MR. THOMAS: Is there a commitment to do that by a certain year?

MR. BARBER: We would do that as soon as we are able to acquire that. That's not subject to our control.

MR. THOMAS: Okay, and as I understand it your firm commitment is to house 60 percent of

full-time undergraduates?

MR. BARBER: That's correct.

MR. THOMAS: And you're now housing 65 percent as full-time undergraduates?

MR. BARBER: Yes.

MR. THOMAS: Do you know how that compares with Georgetown?

MR. BARBER: Not exactly. I know the comparisons to a number of other colleges and universities, but I'm not exactly familiar with Georgetown. Georgetown, of course, is quite a bit different situation. I don't know exactly their numbers, but they're not located on a Metro. They're more self-contained.

CHAIRPERSON REED: Mr. Thomas, where are you going with this line of questioning? It's basically, we're -- this particular application is for George Washington.

MR. THOMAS: Madam Chair, what I'm doing quite frankly is trying to undercut any argument that it isn't feasible to house 78 percent or more as Georgetown does on campus, if that's what you want to dedicate your real estate development in the core campus to. And I think we'll be able to demonstrate in terms of the maps and the available real estate development possibilities within the boundaries that they could house a lot more students on campus. That's all. But the point -- if there was a point, it's made, so I'll move on.

CHAIRPERSON REED: Please.

MR. THOMAS: Mr. Barber, is the University, has the University submitted or do you plan to submit information about all of the real estate holdings where the University is now conducting University operations, administration, class or housing?

MR. BARBER: No, we had not planned to.

MR. THOMAS: If one purpose of this proceeding is to determine the campus boundary, how can the BZA do that without detailed information on what you own and where you're operating?

MR. BARBER: Operations outside the campus plan boundary are those conducted as a matter of right. Those issues, we believe, are beyond the jurisdiction of this Board.

MR. THOMAS: Your position, I take it is not that the Board doesn't have the power, the authority to set the boundary?

MR. BARBER: The Board certainly has some authority in that area.

MR. THOMAS: And in fact, they changed the boundary at the end of the proceeding -- for the 1985 to 2000 plan, didn't they?

MR. BARBER: They reduced it, yes.

MR. THOMAS: Are you saying they couldn't enlarge it?

MR. BARBER: I'm not certain that the Board could enlarge it. I'm sure they could reduce it. I just don't know.

MR. THOMAS: Is the University's agreement that you described today to require freshmen and sophomores to live in University housing unconditional? Have you determined that you have the legal authority to do that?

MR. BARBER: Yes.

MR. THOMAS: All right. Because from earlier conversations I wasn't sure that that --

CHAIRPERSON REED: That's fine. Pose your questions.

MR. BARBER: We looked at it. I think we do.

MR. THOMAS: Does Georgetown now own an interest in Columbia Plaza?

MR. BARBER: Yes, it has a limited partnership interest.

MR. THOMAS: Do you have agreements to also buy further interests?

MR. BARBER: I didn't testify about that and frankly it's beyond the scope of my knowledge, that particular investment.

CHAIRPERSON REED: Mr. Thomas, basically, as you well know, you have to keep your questioning based upon the testimony given here today.

MR. THOMAS: Mr. Barber, have you run through any numbers to determine what your commitment to house freshmen and sophomores or your commitment to house 60 percent of full-time

undergraduates would mean depending upon how many full-time undergraduates there were?

MR. BARBER: We've looked at various scenarios. Of course, what the 60 percent commitment to house -- the commitment to house 60 percent of undergraduates means is that the population of undergraduates could only go up, depending upon our ability to provide more beds. We have some idea of beds that we might now provide in the near future and we know how, given the 60 percent level, how many students that would support. But none of these are firm estimates as you pointed out. Some of these areas that we would plan to do housing, we are not sure we're going to do housing, so have we run numbers? Yeah, we have plenty of numbers. Nothing really reliable.

MR. THOMAS: All right, and I think some of your numbers are that as of fall 1999, there were 6846 full-time undergraduates, is that right?

MR. BARBER: That's correct.

MR. THOMAS: And you had about 4466 or 4469 something like that beds available?

MR. BARBER: That's correct.

MR. THOMAS: So there were 2380 undergraduate full-time students for which you didn't provide beds?

MR. BARBER: That's correct.

MR. THOMAS: Let's assume that you had a full-time undergraduate enrollment of 8500, 60 percent of that in University

housing properties would be 5100. Check me if you want. And that would be 634 beds more than now, do you follow this?

MR. BARBER: I'm following. I'm not checking your math. I'll take your word on it.

MR. THOMAS: Now that is a couple of hundred beds less than the University is already planning to build. Most of them of them are off-campus, but you're planning to build them in properties that you own, isn't that right?

MS. DWYER: Madam Chair, what Mr. Thomas is doing is testifying and making a statement as opposed to asking a question of Mr. Barber. Mr. Barber says he hasn't run through the math as he's been asking the question, so I don't think he can answer as to a specific number.

CHAIRPERSON REED: He can say that. He can say that, Ms. Dwyer.

MR. BARBER: I haven't run through those numbers and I'm not quite sure -- I really don't know the answer because I don't know the question.

MR. THOMAS: I was sure that you had, as you had earlier testified, run through a number of sets of numbers and scenarios to see where it would end up before you made the commitment to the 60 percent ratio. And so I was just trying to see if we agreed for the purpose of the Board's understanding what that did imply in terms of how many students were being housed on campus and how many were being added to the enrollment and not

housed on campus. And given that 8500 number, if you're only adding 600 and some beds to meet your 60 percent ratio, then you're pushing over 1,000 students to some other location for housing.

Were your scenarios consistent with what I just described?

MR. BARBER: I have not run through the numbers like that. I have -- I can say if you're assuming a certain undergraduate population, then the 60 percent bed count would lead you to a certain number of beds and I haven't done that math, but -- and then the remaining students that we do not house would be required to find housing elsewhere.

Now we know from experience that many of our students live in areas beyond Foggy Bottom. We have students who live in Northern Virginia. We have students who live in the Maryland suburbs who commute, many by Metro, to our campus. We have students who live in other parts of the District of Columbia, so as I said in my direct testimony I think it's a fallacy to assume to the extent that we don't house students, they will then flood to Foggy Bottom community, but again I haven't done the math or I don't have the math here. I may have run at some point, but I don't disagree with your calculations.

MR. THOMAS: And in fact, the University doesn't have a good handle on where the students live, how many of them live in Foggy Bottom?

MR. BARBER: We have a good idea. I think we don't have perfect data and we have committed to get better data, but our best data show that of undergraduates, full-time undergraduates there are about maybe 800 in the Foggy Bottom community. I've heard other numbers. I've looked at their methodology. I've tried to -- and I'm not convinced that they have correctly identified (a) G.W. students, (b) undergraduates, (c) full-time as opposed to part-time or (d) just young people who they assume are students. But that's our best data. We're committed to getting better data.

MR. THOMAS: Just one minute, I may be about done with Mr. Barber.

(Pause.)

Your commitment to house freshmen and sophomores on campus, can you relate that in terms of proportions of full-time undergraduate students to the 60 percent ratio? In other words, is it about the same?

MR. BARBER: I'm not sure I understand the question.

MR. THOMAS: If you house the freshmen and sophomores, have you housed about 60 percent?

MR. BARBER: Oh, I see. No. We would still be able to house a significant number of juniors and seniors and quite frankly, there would be some displacement that is more freshmen and sophomores, less juniors and seniors, but certainly

not a one to one ratio by any means. In fact, we think we can absorb all of them, the reason being, there are two reasons. We have a vacancy rate every year of about 3 to 4 percent and so with a requirement, we can fill up that vacancy so that gets us 100, 130 beds right there and then we would roll out this requirement, freshmen, year 2001; freshmen and sophomore, year 2002; and by that time on the AGC Square 122 site, we think we have another 200 beds. So we think we can absorb that,most of those students without displacing, but certainly we still have room for a significant number of juniors and seniors with the 60 percent commitment.

MR. THOMAS: Okay, but you answered a different question. The answer to the question that you answered was do you think that you're going to be able to keep some substantial proportion of the juniors and seniors who historically have wanted to live on campus. My question was if what you've done is you've provided beds for 60 percent of the
full-time undergraduate population is that about the same number as the freshmen and sophomores?

MR. BARBER: No. And I can get you, I guess, exact numbers based upon 4099 numbers, but I think the question is are freshmen and sophomores 60 percent of the population of th full-time undergraduate population, I think the answer to that is no.

MR. THOMAS: Do you know what the answer is as to what the relationship between the numbers is?

MR. BARBER: No, but I can provide that.

MR. THOMAS: Thank you, Madam Chairman. I am counting on my fellow representatives here to fill in gaps and I'm just going to move on.

CHAIRPERSON REED: Okay.

MR. THOMAS: I should perhaps ask, as a matter of fact, as a matter of planning for everybody, what other live witnesses the University does intend to put on because I might make a better decision as the best use of time in which to be heard in.

CHAIRPERSON REED: Do you have any questions of Mr. Slade or the transportation witnesses?

MR. THOMAS: Only a couple and I can do those very quickly.

CHAIRPERSON REED: All right, well, why don't you do that and allow them, they say that they need another 15 minutes or so to conclude and perhaps you may be able to get in a question or two or at least be able to give your other questions that you think are pertinent to one of your co-witnesses.

MR. THOMAS: All right, fine.

CHAIRPERSON REED: Mr. Slade. What about Ms. White, both or one?

MR. THOMAS: Mr. Slade. Do I understand that the survey to determine the demand for parking was done within the boundaries of the campus?

MR. SLADE: Yes.

MR. THOMAS: So that there was no survey done of what, if any, use was made of off-campus parking by University vehicles?

MR. SLADE: We did a survey off-campus, a separate survey. Let me answer your question fully. We did a survey of campus, University-controlled parking first or off-street parking within the boundaries of the campus.

We did a survey and I'm looking to Ms. White -- go ahead.

MS. WHITE: Okay, in addition to doing the survey of parking facilities within the campus plan boundaries, we also refer to the Parking Services Office to give us information about occupancy at the Kennedy Center.

MR. THOMAS: All right, but was there a street parking survey, for example, done of the Foggy Bottom area?

MS. WHITE: An on-street survey?

MR. THOMAS: Right.

MS. WHITE: Yes sir.

MR. THOMAS: What was the result of that? Did you identify cars that were driven by students, faculty, staff of the University?

MS. WHITE: What we specifically did was we went into the neighborhood and we identified whether a vehicle had no sticker at all, a University sticker, a Zone 2 sticker, a

University sticker, whether they were illegally parked and then we identified the total number of occupied spaces and the total number of unoccupied spaces.

MR. SLADE: I think one more point of clarification. If a vehicle did not have a Ward sticker, a residential sticker indicated that they resided in the Ward and they did not have a specific University sticker, we couldn't discern whether it was a student or someone who worked in an office building nearby or someone who was visiting a resident for that matter.

MR. THOMAS: I think as to the on-campus survey, you determined that over 90 percent of the available spaces were occupied at the times you surveyed, correct?

MS. WHITE: Yes.

MR. THOMAS: Would you agree with me that as an expert in parking matters that that essentially is capacity, given that people are moving around looking for spaces and so forth?

MR. SLADE: It is with the exception that given that some of the facilities are parked with attendant assistants, you can go to a much higher level of occupancy there so yes, 90 percent we would normally hold as a standard as Ms. White testified earlier, but with the current attendant assistance, going a little bit higher is within the bounds of acceptability.

MS. WHITE: And might I just add we were at 91 percent and then when you add the Kennedy Center into the equation

we were at 90 percent.

MR. THOMAS: And again, so that I'm not misunderstanding the testimony, for on-street parking that's essentially capacity?

MS. WHITE: On street or off street?

MR. THOMAS: On street.

MS. WHITE: On street?

MR. THOMAS: Yes, I mean curb side parking. If you're counting --

MS. WHITE: Oh, we're talking about two different things.

MR. THOMAS: All right

MS. WHITE: You want to know about on street parking?

MR. THOMAS: Yes.

MS. WHITE: We don't design on-street parking.

MR. THOMAS: So your 90 percent capacity was parking lots?

MS. WHITE: Yes sir.

MR. THOMAS: And as to parking lots then, 90 percent is or is not essentially capacity?

MS. WHITE: Between 85 percent and 95 percent, I've read in manuals.

MR. THOMAS: All right. A lot of other interesting things on traffic and parking, but I'm going to stop, thank you.

MS. WHITE: Thank you.

CHAIRPERSON REED: Okay, thank you. You're done for right now, Mr. Thomas?

MR. THOMAS: I believe so. Let me just look. There were things that the architects testified to, but I believe I pretty much asked Mr. Barber about them so let's see if we can't get the rest of the testimony.

CHAIRPERSON REED: All right, thank you. Ms. Dwyer, call your next witness.

MS. DWYER: All right, we have two final witnesses. We actually had listed four, but two of them are going to submit for the record.

CHAIRPERSON REED: Okay.

MS. DWYER: The testimony of Mal Rivkin who was a land planner who also dealt a lot with the improvements of the University's transportation management program, his testimony is going in the record. Emily Eig, the architectural historian, her testimony is going in the record.

CHAIRPERSON REED: Okay.

MS. DWYER: So at this point I'd like to call Steve Fuller and an outline of his testimony is at Tab 23.

Go ahead.

MR. FULLER: I was not sworn in. Should I be sworn in?

MS. DWYER: Yes, you should be sworn in.

CHAIRPERSON REED: Is there anyone else here who was not sworn who will be testifying today? If so, please come up and be sworn at this time.

Are you all going to be sworn? You can just stand wherever you are and just hold up your right hand and be sworn.

(The witnesses were sworn.)

MR. FULLER: I haven't testified yet. Can I do that before you ask questions?

MS. SPILLINGER: I have a question of the chair.

Madam Chair, we have an expert witness that we would like to have the opportunity to cross examine Mr. Fuller, but he is unable to be here today. He will be here on the 24th. Would it be possible from the transcript for him to do some cross examination on the 24th in connection with Mr. Fuller's report?

CHAIRPERSON REED: Wait a minute, you have an expert witness?

MS. SPILLINGER: I say witness, I say expert that we would like to be able to cross examine Mr. Fuller and to make a presentation on the 24th, but he could not be here today. Is that possible that he could -- from the transcript --

CHAIRPERSON REED: Well, let me try to understand what you're asking. You have someone who will be a part of your presentation?

MS. SPILLINGER: Yes.

CHAIRPERSON REED: And that person for him to cross

examine Mr. Fuller would have to have party status, wouldn't he?

MS. SPILLINGER: Frankly, I don't know.

CHAIRPERSON REED: I think so.

MS. SPILLINGER: Because this is --

CHAIRPERSON REED: I think so. Board Members, is that correct?

COMMISSIONER MITTEN: I think what Ms. Spillinger, the core of what she's asking is she needs her expert's assistance in guiding the questions, whether they articulate them personally or whether they tell into Ms. Spillinger's ear what the questions should be.

CHAIRPERSON REED: Okay.

COMMISSIONER MITTEN: Because only an outline has been presented.

CHAIRPERSON REED: Right.

COMMISSIONER MITTEN: So far.

CHAIRPERSON REED: The witness that you're referring to is not a party would not be able to cross examine Mr. Fuller, however, what you are asking for, in essence, is an opportunity for Mr. Fuller to be cross examined next week because of the fact --

MS. SPILLINGER: Next month.

CHAIRPERSON REED: I mean next month because of the fact that someone who is a part of your team is not here?

MS. SPILLINGER: Right.

CHAIRPERSON REED: And that person would have to pose their questions through you or someone else, someone else who is a party in this case. I have no problem with that. If that's what you're asking.

MS. SPILLINGER: Thank you.

CHAIRPERSON REED: Are there any objections from any other Board Member?

MEMBER RENSHAW: I am not clear whether Dr. Fuller is going to be back with us next month.

Yes, he will?

DR. FULLER: This is so much fun how could I not want to be here.

MEMBER RENSHAW: Thank you for your enthusiasm.

MS. DWYER: Ms. Renshaw, I think all of the witnesses are going to have to be back because we're not going to complete cross examination today.

CHAIRPERSON REED: Right. The only person who is crossing today is, questioning today is Mr. Thomas.

MS. DWYER: We'll be back.

DR. FULLER: Good afternoon. I was going to say good morning, but good afternoon. My name is Stephen Fuller. I'm Professor of Public Policy at the other George, George Mason University. I have recently undertaken and completed an economic impact study for George Washington University, its impact on the District of Columbia and the metropolitan region and I just want

to summarize the key points from that to save time. The full report has been made available to you.

As you know, George Washington University is the largest private employer in the District of Columbia. It contributes $423 million annually to the city economy. George Washington University, along with the other universities in the District are very important core drivers of the District economy and are important to its health. The spending of the University, the spending opportunities the University represents for local businesses, the magnitude of its students' and visitors' spending and the capital construction all have a very important impact on the health of the University. University spending also generates significant local tax revenues for the District.

Very quickly in summation or in summary of these impacts, G.W. University presently has or when I did my study, 6,210 full-time and part-time employees. Eighty-two percent of these lived in the Washington area, in the metro area. Twenty-two percent lived in the District of Columbia, that's 1,360 employees of the University. It also has almost 4200 student jobs of which 51 percent of these students working at the University live in the District of Columbia.

The University payroll totaled $285 million last year. $59 million of that was received by District residents. G.W. procurement outlays totaled $431 million last year. 6,266 District vendors received payments totally $84 million from the

University.

Student spending has an enormous impact on the District and the region. Last year, G.W. students spent $115 million on food, retail goods, entertainment and other services, not utilities, not telephones, not rent, just daily expenses. The District of Columbia captured 75 percent of these sales. So as a footnote, in effect, the more students that live in the District, the more the District benefits economically from this spending.

I did the same study back in 1993 and the District actually capturing a larger share of benefits now than it did six years ago.

Students not residing in G.W. dorms, G.W. students not residing in G.W. dorms are an important source of income to the city's real estate investors. Last year, real estate community in the District received almost $17 million in student paid rents.

The total impact of G.W. spending, that is the spending of the University, its students, visitors and retirees, alumni, anybody that comes back to the University, but excluding the hospital, just the University, totalled $1 billion in 1999. $330 million of that was captured by the District, District businesses, District employees. This spending generates additional jobs. In the District, this added spending supported 1542 other full-time equivalent workers in the District with a payroll of $47 million.

District residents working for the University District business generated by the University, student spending and spending by visitors generates taxes. In 1999, retail sales taxes, restaurant taxes and personal income taxes paid to the District totalled just under $22 million.

Capital spending by the University for construction, there's $200 million worth of construction either underway, finished last year or proposed over the next five years. This will support 942 jobs, not just construction jobs, but jobs in the District benefitting from and relating to this work, with a payroll of $31 million, also some tax implications there.

So in summary, the city receives either directly or indirectly $423 million every year from the University's presence. It's a major factor in the health of the city. It's presence attracts and supports unmeasured economic activity in the surrounding area, supports higher, a higher tax base within the surrounding area and in effect is one of the District's principal sources of its competitive advantage within this region for business development.

I'll stop at that point. Thank you.

CHAIRPERSON REED: Thank you, Mr. Fuller. Mr. Fuller will return on the 24th, Ms. Tyler.

MS. DWYER: Are we going to be allowed to complete our presentation or are you taking cross examination now by --

CHAIRPERSON REED: Well, Mr. Thomas wanted to ask a

few questions before he left, so I was going to allow him to do that and then Mr. -- oh gee, Mr. Sher will be the last witness, right? Okay.

MR. THOMAS: Thank you, Madam Chair. Dr. Fuller, my understanding is what you look for were the positive impacts, the positive economic impacts of the University, is that correct?

DR. FULLER: I tracked the contributions of monetary flows from the University and its related activities into the community, yes.

MR. THOMAS: So that there was no effort to gather information about any negative impacts or any opportunity costs that the operations of the University represented?

DR. FULLER: I only counted real money.

MR. THOMAS: Lost money, wouldn't you agree, is also real money, Doctor?

DR. FULLER: You can't measure it because we don't know where it is.

MR. THOMAS: All right. Did you gather any information about the values of properties owned by the University, but removed from the tax base?

DR. FULLER: No, I was looking at economic impact and not fiscal impact.

MR. THOMAS: So that's a useful distinction to make. So if there are negative impacts on the District of Columbia in terms of tax revenues, that is excluded because that

has to do with a fiscal analysis and not the kind of analysis you were doing, is that right?

DR. FULLER: I was looking at the contribution of the University to the gross city product of the District of Columbia and the region, since the value of the economic activity and not the taxes generated. I did suggest that there were some tax revenues that could be easily identified, but I didn't attempt to be exhaustive about that.

MR. THOMAS: All right, so for example, you're aware that there was a Howard Johnson Hotel on Virginia Avenue across from the Watergate?

DR. FULLER: Yes, but I didn't testify about it.

MR. THOMAS: No, I understand, but I'm testing what it is that you looked at and did not look at.

You did not look at any economic impacts or fiscal impacts that related to moving that from private hotel status to educational institution dormitory?

DR. FULLER: No, I looked at what was spent and where that money went, whether it was in the District or leaked out to the suburbs or somewhere else beyond the District.

MR. THOMAS: You did include an economic impact estimate for student spending?

DR. FULLER: I did, right.

MR. THOMAS: You did not look at, I take it, the impact on spending by business, visitors and tourist visitors who

would have stayed at the Howard Johnson Hotel, for example, and then could not because it was a dormitory?

DR. FULLER: I did not, but we have a 73 percent occupancy rate in our hotels in the District so any persons not able to stay in the Howard Johnson's could find housing somewhere else in the District, so I would argue we didn't lose that spending.

MR. THOMAS: I see, and so do you have a factual basis for asserting that those hotel guests would go to the Four Seasons as opposed to going to a hotel or motel in Roslyn?

DR. FULLER: No, but you don't have any factual basis either for suggesting that they didn't go to some other hotel within the Washington area. I mean if they would have stayed in that hotel originally, they were in the District for a reason, I presume. The reason didn't change and so there's alternative hotel space.

MR. THOMAS: And so any losses as far as you're concerned are unmeasurable and didn't take any part of your analysis?

DR. FULLER: I wasn't asked to evaluate that building. I do look at the fiscal and economic impacts of hotels. I may be here tomorrow night testifying on a similar, on another project like that. We could that if -- you could have it done.

MR. THOMAS: All right. Did you give any consideration to the cost of services borne by District taxpayers

for public services rendered to the University, fire, police, streets?

DR. FULLER: If I had been doing a fiscal impact study which I do for facilities like universities, I would have looked at all of the expenses that the university generates on the city and all of the benefits the city receives from the presence of the university, but that was not what I was testifying on.

MR. THOMAS: All right. When you look at the various economic impacts that you did measure and we could look at individual ones, but they tend to be in the range of 20 or a little more percent impact in the District and the remainder in other jurisdictions, am I reading your report correctly?

DR. FULLER: Well, students spending 75 percent of the $115 million in student spending was captured by District businesses, so you missed that one.

MR. THOMAS: Okay, I missed that one.

DR. FULLER: In terms of payroll, the range is generally from 20 to 30 percent of the benefits, yes.

MR. THOMAS: And so the economic impacts which you have measured flow in majority measure to Northern Virginia and to Maryland, is that correct?

DR. FULLER: With the exception of procurement which actually flows to Ohio and New York and Pennsylvania. Yes, there's 4.7 million living in the Washington metropolitan area and 550,000 live in the District, so the percentages, the percentage

distribution between the District and the suburbs is actually more favorable with respect to G.W.'s economic benefits than it is for other measures of the regional economy.

MR. THOMAS: Well, for example, if you have a professional working for George Washington and he lives in the suburbs, George Washington, I mean obviously the fiscal impact on the District in part is that you don't tax his income, but if that were a law firm, you would tax his business in the District, isn't that right?

DR. FULLER: There would be some aspects of his business that would be taxable.

MR. THOMAS: So if you're displacing professional offices --

DR. FULLER: I didn't testify that we were displacing any professional offices, so if you're testifying, I think you should wait for that.

MR. THOMAS: Is it fair to say that the majority of the positive economic impacts flow to other jurisdictions and a majority of the fiscal impacts are in the District of Columbia?

DR. FULLER: I didn't do a fiscal impact study so I can't respond to that. In terms of economic activities, this is a free market economy. The benefits flow wherever they can flow and want to. You can't sit here and the Board can't specify that these economic benefits flow to the District. In fact, the District share of these benefits has increased since 1993, since

the study I did then and particularly in terms of student spending and in terms of payroll benefits.

MR. THOMAS: But again, you're not looking at any case except the one presented. So if -- in other words, the facts on the ground is the actual flows and so you cannot opine on whether, for example, the Foggy Bottom area is either economically or fiscally better off for having undergraduate students living there to the extent they do as opposed to people who are employed and pay taxes in the District?

DR. FULLER: Well, I was an employee at G.W. for 25 years and I remember when I couldn't find a place to buy a sandwich in Foggy Bottom and the retail sector there has benefitted dramatically. It's changed dramatically over the last 33 years. If you've been around that long you would have to agree.

MR. THOMAS: I move to strike that as nonresponsive, Doctor. But I don't think I'm going to get a better answer with another question, so I will stop.

CHAIRPERSON REED: Thank you. Thank you, Dr. Fuller.

Ms. Tyler, you have a question or something?

MS. TYLER: I have a question.

CHAIRPERSON REED: No, Mr. Thomas is -- Ms. Tyler, Ms. Tyler, not today, but you will have an opportunity to question him, but not today.

MS. TYLER: On the 24th.

CHAIRPERSON REED: Exactly.

MS. TYLER: Thank you very much.

CHAIRPERSON REED: Remember?

MS. TYLER: Thank you, Madam Chair.

CHAIRPERSON REED: I understand, thank you very much.

Ms. Dwyer, your last witness.

MS. DWYER: Our last witness is Mr. Sher and then as I indicated at the very end there are some students here who will not be back on the 24th.

CHAIRPERSON REED: Right, right, sure.

MR. SHER: Madam Chair, Members of the Board, for the record, my name is Stephen E. Sher. I'm the Director of Zoning Services with the law firm of Wilkes, Artis, Chartered. You have, I believe, been given a copy of the outline of what I would have said if I had 20 minutes or so to say it. I'm not going to go through it in its entirely as is my usual custom. I think you know about where the campus is. You know what the surrounding neighborhood is. You know what the zoning of the campus is. It's R-5-D,
R-5-E, SP-2 and C-3-C. You know that in the zoning regulations there are some special provisions that relate to colleges and universities. The two of most particular import are that the overall FAR for R-5-D and R-5-E zones is limited to 3.5 FAR,

rather than 6 as permitted in R-5-E and that off-street parking is to be provided in accordance with the campus plan, if there is a plan approved by the BZA. So that's the regulatory framework of what is applicable to this campus plan.

On pages 4 and 5, basically, I have described the standards of the regulations as to the special exception for college or university use. Because this campus is split between residential zones and special purpose zones, you've got two different special exceptions, but the standards are essentially the same. The University has to present a campus plan to the Board and the Board has to find that that use is located so that it's not likely to ever become objectionable because of noise, traffic, number of students or other conditions. That's 210.2 and 507.7. So the standard is essentially the same for both the S-P and R-5 Districts.

Those special exception provisions, of course, are not applicable to uses that are otherwise permitted as a matter of right outside the campus boundary and I'm not going to go into that at all because we've done that before in other cases.

As the Board has been made aware, there have been previously approved campus plans for the University, a 1970 plan approved by Board Order No. 10403; the 1985 plan, approved by Order No. 14455; the major features of that approved plan of the 1985 plan and I'm now on the top of page 7, that was pretty quick actually, the maximum of 20,000 students, range of parking spaces

between 2700 and 3000 and new construction of approximately 1.4 million square feet of gross floor area in educational, residential support and medical categories.

On pages 7 and 8 I have looked at the numbers and statistics from the 1985 plan and compared that in terms of students, faculty, staff to the proposed plan. I'd like to draw your attention for a moment to the density analysis on page 8, number 5, in terms of floor area ratio and again you can read the numbers. I don't need to read them out loud, but in terms of what is permitted under the regulations, again, the 3.5 FAR applicable to the residential zones, if the Board approves everything that is proposed here and that, of course, entails further processing for each individual case, we would wind up with a total of about 4.7 million square feet or 3.47 FAR. So we are not exceeding the 3.5 FAR. If you took all the properties and all the zones, not just the residential zones, then you are at about 6 million square feet. That's an overall FAR of 3.82. It's higher, of course, because the commercial zone permits 6.5 FAR and so when you average the whole thing out, you're at 3.82 FAR. That is a -- call it a medium to medium high density zone. It steps down from the FARs permitted in the central business district to the north and east where you're at 8.5 or 10 FAR, down to the R-5-E and R-5-B districts which permit respectfully 6 and 1.8 FAR, so you've got to kind of got that density transition going from north and east to south and west.

In terms of consistency with the comprehensive plan, Exhibit 26 of the pre-hearing statement is an excerpt from the generalized land use map and it shows that the campus is predominantly designated for institutional use and of course institutional use as defined in the comp. plan includes plan of facilities occupied by colleges and universities.

On pages 9, 10 and 11, I have quoted for you excerpts from the Ward 2 plan element in terms of kind of anything that remotely mentions G.W. or seems to have some bearing on the campus plan.

A lot of what the Ward 2 element has to say about the campus plan, and particularly, if you look at the land use section son pages 10 and 11, talk about housing and the loss of housing stock and the impact that the campus plan should have or could have or has had on housing in the area. And in order to demonstrate some sensitivity on the part of the University on page 11 and the top of page 12, I've described and attempted to summarize some of what you've heard from other witnesses before, some of what you would have heard from Mr. Rivkin if he heard from him in terms of what University housing initiatives have occurred on the campus in terms of the number of beds that have been added and the summary of that is that the University has already added 1400 beds over that number which was provided for at the time of the 1985 plan and is proposing to add a little bit less than 1300 additional beds in the future and you heard a description in their

outline there as well. That number of beds increases by almost 30 percent over the existing number whereas the amount of other than residential square footage which is proposed in the plan, i.e., academic and support and medical and so forth, increases by less than 20 percent. So I think what it shows in my mind is that the University has made, I don't want to call it a disproportionate, I just want to say a larger percentage -- let me try and state that a little differently. Plans to make a larger percentage devotion of its future resources to increasing the number of beds or devoting it to residential, than it is to the other square footage that is proposed to be built on the campus.

I will just add a footnote to that, that excluded the development in the commercial zones which is under the investment frontage which is a different calculation in its entirety.

My conclusions are that the plan meets the requirements of the underlying zones in the zoning regulations, that it's not a substantial deviation from the context of the currently approved plan and that the plan as proposed before you is not inconsistent with the comprehensive plan.

In a few minutes that sort of summarizes where I went.

CHAIRPERSON REED: Thank you very much. that then --

MS. DWYER: That concludes our direct case and by

your clock, we've done it in an hour and about 15 minutes.

CHAIRPERSON REED: That's great.

MS. DWYER: For whatever it's worth.

CHAIRPERSON REED: Yes.

MR. MANDELBAUM: I have a procedural question. I know that the University has asked for students to testify and they will not be back on the 24th, is that correct?

MS. DWYER: That's correct because school will not be in session, so they wanted to testify.

MR. MANDELBAUM: Will we have an opportunity to cross examine? Will there be time today to do that?

MS. DWYER: You may cross examine them today.

CHAIRPERSON REED: They have three minutes apiece. How many students do you have?

MS. DWYER: I believe there are four students.

CHAIRPERSON REED: So we can quickly have them testify and if you think you may have questions I think we'll have the time because we're going to try to wrap it by 6 o'clock.

Mr. Hart, do you want to call them up?

MR. MANDELBAUM: I have one other quick question. The University continues to give us additional revised exhibits. Are there any other exhibits that they have? Because that's been going on throughout, I guess, the last couple of hours. So are there any exhibits that the Board has that the parties do not have copies of?

MS. DWYER: No. We've given copies to you and when we file the additional materials that the Board requested, the power points, we will give you copies as well.

MR. MANDELBAUM: Okay, so you're holding nothing now that we don't have?

MS. DWYER: Nothing now.

MR. MANDELBAUM: Okay, thank you.

(Pause.)

CHAIRPERSON REED: Please come up. Everyone has been sworn now, correct? All right, each of you give your name. Hello? Come up and give your name and your address and each person has approximately 3 minutes to testify and please do not be repetitive or redundant.

Who wants to start? Please turn your mikes off while the other person is speaking and then -- okay, thank you.

MR. STONE: Good afternoon, Madam Chair, Members of the Board, my name is Andrew Stone. I am a freshman at the George Washington University and I live in Thurston Hall which is located on the eastern edge of campus.

As a G.W. student I can understand the University's need to expand and grow in order to become a world-class institution of higher learning. Furthermore, in an economic market that could easily turn bottoms up. G.W. must take every step possible to maintain financial stability.

Preserving the adequacy of facilities already in

place, and in fact, increasing in available space is necessary for the continued viability of the school. Yet, as someone who has spent a significant amount of time with the community, I can sympathize with its concerns that the University is growing too quickly. It is worried that G.W. will expand to the point where none of the charm and appeal that define Foggy Bottom will remain.

However, the loss of the distinct and special enclave in which the University is located would not only be detrimental to its residents, but also to the school. After all, part of G.W.'s appeal is its residential, yet urban setting. Thus, the reason that I am here testifying today is because I believe that the proposed George Washington University campus plan for the Years 2000 to 2010 strikes a balance between two equally, yet important groups. I support the campus plan, BZA Order No. 16553, because it is practical, realistic and sensitive to concerns on both sides. I urge you Members of the Board to echo my sentiments in offering your support of the G.W. campus plan. Thank you.

CHAIRPERSON REED: Thank you very much.

(Pause.)

MR. BLACKFORD: My name is Joseph Blackford. I am a doctoral student in the School of Engineering and Applied Science at G.W. I've actually been a student at G.W. since 1991, having received my bachelor's and master's degrees also from the

University and have grown up in the District of Columbia.

I think coming from a grad student perspective on the campus plan, I think the campus plan really states a lot of the issues I think are important to the graduate student community. I am serving on the Dean Search Committee for our School of Engineering and one of the big issues that the candidates, as well as the students in the school have raised is the need for more space and more facilities on campus. I think the campus plan provides a framework for providing that extra space, as well as the resident space and as a graduate student on campus it's hard to find a place to live in the Foggy Bottom area and I think G.W. is solving some of that constraint by providing extra resident halls and is really making the campus feel more like a campus than just a place in the city.

Over the past decade I certainly have seen a lot of changes and improvements. I think this campus plan that is being proposed is really expanding and continuing those changes and improvements in the campus and really is going to allow G.W. to become the first class institution that I think as a student and an alumni of the University that I want to see it grow into, as well as I think members and people in the Foggy Bottom and the District of Columbia would like to see G.W. become more of a first class institution in the District so that it could only bring more pride and more mention to the District of Columbia having a first rate educational institution.

I also really support the campus plan because the University has made a concerted effort to outreach to all of the stakeholders in the campus plan. They have outreached to the community, to the students and the different student organizations. I am Chairman, pro tempore of our Student Government Senate and we did pass a resolution in support of the campus plan with a number, with some conditions that I'm assuming you have received from the University.

That, we really reached out to the members of the neighborhood. We had members who are the Advisory Neighborhood Commission, we had Ellie Becker, President of Foggy Bottom Association, other members of the neighborhood at our meeting where we discussed that and I think we have made a concerted effort as the Student Senate and I know the University has made really a large effort to reach out to make sure that everyone's opinions have been involved there, presented to the campus plan, to the students, the staff and the faculty of the University and have really made an effort to make sure that everybody is in agreement with the campus plan.

I think the campus plan really does lay the groundwork to expand the University within the confines of the community. I don't think anybody at G.W. wants to take over Foggy Bottom. I know G.W. has the reputation of being the monster that ate Foggy Bottom, but I don't think that is the case, that this campus plan balances both growth and protection of the University

community and I would urge you, the Members of the BZA to support this campus plan.

Thank you very much.

CHAIRPERSON REED: Thank you.

(Pause.)

MR. ELIAS: Good evening. Is my mike okay, volume-wise?

CHAIRPERSON REED: Speak directly into your mike, please.

MR. ELIAS: Is that a little bit better? Good afternoon. My name is Alan Scott Elias and I'm the President of the Residents Hall Association of the George Washington University.

The Residents Hall Association represents the students who live on the George Washington University campuses. In total, that is 23 buildings and about 5,000 students. Our general body consists of about 70 residents and our weekly meetings serve as a forum for issues to be discussed and plans of action to be taken.

I am here today to announce that the Residents Hall Association supports the campus plan put forward by the University. The Residents Hall Association represents a major portion of the Foggy Bottom community. Annually, we raise a total of $40,000 through programming for housing scholarships. We work diligently with Administrators to improve campus life and the

students' living environment. Our role is one of dual advocacy. We communicate what the students want in their community and how they feel it can be changed for the better. We also communicate to the students the Administration's philosophies about where they want the University to be five and ten years from now and how students can take an active role in that development.

We believe that a student's home is as important as the classes they take and the friends and organizations they become involved with. The Residents Hall Association also takes an active role in the Foggy Bottom community with our weekly grocery service. Every Saturday, members of our organization get groceries for the residents of St. Mary's Court who are not capable of carrying heavy packages. We are also responsible for helping to facilitate the yearly housing lottery and helping students adjust to their first year in college.

Each year we attend a regional conference and soon a national conference that discusses the state of university housing and communities around the nation. These conferences are designed to help build leadership skills, share ideas and link the nation's collegiate population together.

I believe that in creating this plan, the University has combined what is in the best interests of the students, faculty, administrators and the Foggy Bottom community. The University is dedicated to educating its students as well as the surrounding community. It is a haven for the arts, for

culture, intellectuals, athletes and activists. The University represents the hard work of many dedicated people who learn from the past and build for the future.

The current student body represents the heart and soul of my generation. We are a group of individuals who are dedicated to the ideals and the honor that can be cherished in the life of public service. Our students are preparing themselves as doctors, teachers, engineerings, scientists, nurses, lawyers, public health officials, lobbyists, businessmen and foreign service officers that contribute part of their talents and the benefits of their education to society as a whole.

I come here today because I have pride in the George Washington University and I have faith int eh community that we are trying to create. I believe that the University's focus is not on extending its boundaries. We are making an attempt rather, to bring people back to the worth of community, the worth of individual effort and responsibility and of individuals working together as a community to better their lives and their futures.

Thank you very much and I hope you support the plan.

CHAIRPERSON REED: Thank you.

MR. ROTHSTEIN: Good evening and thank you for hearing my testimony. My name is Josh Rothstein. I live at 2601 Virginia Avenue which is now the Hall on Virginia Avenue. I am

currently a freshman at the George Washington University and a freshman Senator in the Student Association.

I am active student within the University and I currently reside in the Hall on Virginia Avenue, formerly known as the Howard Johnson's Hotel. I believe that along with my fellow classmates, have been made valiant efforts to be productive citizens of the District and good neighbors within Foggy Bottom. I consider myself to be a resident of Foggy Bottom and I believe that the G.W. campus plan benefits me as a student and a resident.

There were a handful of community members who oppose the Hall on Virginia Avenue being built. In reality, my fellow students do more for the community than any transient hotel guest could. We participate in the Foggy Bottom Campus Cleanup. We do countless hours at Martha's Kitchen. And even in February, Bob Dole came to G.W. and I had a chance to speak to him after his speech. He told me that we're the best neighbors he's ever had.

I strongly support Historic Foggy Bottom and I believe that the University does as well. I was drawn to G.W. in part because of the richness of our community. I appreciate the opportunity to speak to you in support of G.W.'s campus plan proposal. It is sensible, reasonable and will benefit all of us.

Thank you.

CHAIRPERSON REED: Thank you very much. All right.

(Pause.)

Was there any cross examination of these witnesses?

Okay.

MR. MANDELBAUM: I'll start with Mr. Rothstein on the end. You said you considered yourself to be a resident of the Foggy Bottom community, is that correct?

MR. ROTHSTEIN: Yes.

MR. MANDELBAUM: Are you a registered voter in the District of Columbia?

MR. ROTHSTEIN: No.

MR. MANDELBAUM: Okay. You also mentioned that you considered the plan to be sensible and reasonable. What do you consider -- what aspects of the plan do you consider to be sensible and reasonable to the community?

MR. ROTHSTEIN: I think the University, I sat at -- as you were there, at the SA Senate Meeting where we discussed this with you and other members of the community and we discussed how the plan builds academic buildings, builds housing and addresses the concerns of the community. We're not taking over Columbia Plaza as I heard somebody say when I was in the audience.

The students are productive and we're giving back to the community and as far as specifics of the campus plan, I really can't answer.

MR. MANDELBAUM: Okay, so you can't relate to any specifics of the plan. What's what you said, correct?

MR. ROTHSTEIN: Yes.

MR. MANDELBAUM: For Mr. Elias, you mentioned you

are President of the Residence Hall Association. Is that correct?

MR. ELIAS: That is correct.

MR. MANDELBAUM: You mentioned that there were 23 buildings that the Residence Hall Association represents. How many of those are on the Foggy Bottom campus?

MR. ELIAS: That would be 18 buildings.

MR. MANDELBAUM: And you mentioned that there were about 5,000 students that you represent, but how many of those are on the Foggy Bottom campus?

MR. ELIAS: I would say -- I do not have an exact number off the top of my head, but I believe there are over 4,000 on the Foggy Bottom campus.

MR. MANDELBAUM: Over 4,000. And what percentage of the undergraduate students would you say that makes up?

MR. ELIAS: Approximately a little bit over two thirds.

MR. MANDELBAUM: Over two thirds?

MR. ELIAS: Yes.

MR. MANDELBAUM: Are you aware that there are 6800 full-time undergraduates?

MR. ELIAS: I do not have direct numbers off the top of my head, so I wouldn't be able to answer that.

MR. MANDELBAUM: Now you mentioned the Residence Hall Association supported the campus plan, is that correct?

MR. ELIAS: Yes.

MR. MANDELBAUM: Were there any conditions that they imposed on it?

MR. ELIAS: There were conditions. I assume that the Board has gotten those conditions that were presented. I do not have them with me.

MR. MANDELBAUM: Was that submitted? Have you submitted that to the Board?

MR. ELIAS: Yes, it was submitted. It was submitted through the proper channels.

MR. MANDELBAUM: The parties haven't received a copy of that.

CHAIRPERSON REED: A copy of -- what are you asking?

MR. MANDELBAUM: Apparently, the Residence Hall Association supported the campus plan but imposed, had some specific conditions on it and we don't have a copy of that.

MR. ELIAS: I can get that to you later.

CHAIRPERSON REED: I don't think that it has come to us yet.

MR. MANDELBAUM: Can you tell us what some of those conditions were?

MR. ELIAS: I don't have the exact numbers, but the conditions dealt with making sure that when the University added new buildings that they provided adequate residence halls on the campus or within one block of the University campus boundaries set

forth by the BZA.

MR. MANDELBAUM: Do you remember if there was a requirement to add additional beds or asking them to add additional beds to the campus boundaries and how many that may have been?

MR. ELIAS: I don't remember the exact number, but there was a stipulation that the University specifically build more beds within the campus boundary set forth by the BZA, that is within the boundaries.

MR. MANDELBAUM: Can you give an approximate number of what it may have been?

MR. ELIAS: I believe it was a thousand beds.

MR. MANDELBAUM: Are you aware of how many additional beds the University plans to place within the campus boundaries?

MR. ELIAS: No, I'm not, I have not seen any updated materials.

MR. MANDELBAUM: Are you aware that it's much lower than that 1,000, 425?

MR. ELIAS: I am not aware of this. I've not seen this information.

MR. MANDELBAUM: For Mr. Blackford, you mentioned that the Student Association and -- the Student Association meeting that community representatives were there and that those were placed, I guess, in your support of the plan, correct?

MR. BLACKFORD: I'm not sure what you're trying to ask with that question.

MR. MANDELBAUM: Let me change that. Did the Student Government take a position on the campus plan?

MR. BLACKFORD: Yes, they passed a resolution in support of the campus plan.

MR. MANDELBAUM: Were there any conditions on that?

MR. BLACKFORD: There were conditions. I don't know if the Board has received them yet, but if you have not received them yet, I will ensure that the Board receives a copy of the resolution with the conditions and I don't remember the exact wording of the conditions. I know you were present at the meeting, so you probably might have a better idea than I do, but I know two of the main ones were that the growth in student involvement is commensurate with the increase in number of facilities so that obviously the University would not increase the freshmen enrollment or the enrollment overall without having the additional facilities in place to handle that enrollment and also to put in place a process for dialogue with the community and other stakeholders for future acquisitions with the University's planning.

I believe there was a third condition which I don't recall offhand, but I will get that to the Board.

MR. MANDELBAUM: Okay, great, thank you. And for Mr. Stone, do I have that right, your last name, Stone?

MR. STONE: Yes.

MR. MANDELBAUM: You mentioned that you're looking for the University to become a first class institution, correct?

MR. STONE: I mentioned it as well. It's a common thing.

MR. MANDELBAUM: I guess this question, would you consider the University's increase in enrollment and an increase in space necessarily a direct resultant would be the addition of a first class institution or make the institution better?

MR. STONE: I think the increase in facilities and increase in number of students can certainly contribute to making the University a world class institution of higher learning.

MR. MANDELBAUM: My question is why would an increase in enrollments or an increase in facility space make it better?

MR. STONE: Certainly an increase in facility space and an update of the facilities on campus that exist although would certainly directly contribute to a better reputation for the University.

MR. MANDELBAUM: And how would that directly benefit the students?

MR. STONE: How would adding additional facilities on campus directly benefit the students?

MR. MANDELBAUM: Yes. You don't have enough already or if the classes are overcrowded, how would that directly

--

MR. STONE: Because absolutely an update of the facilities that exist on campus, for example, the building of the new School of Media and Public Affairs that's in progress right now will direct benefit, SMP majors like myself.

MR. MANDELBAUM: Why would that space benefit you than another space on campus?

MR. STONE: I'm sorry, I don't understand the question.

MR. MANDELBAUM: Why would that particular building benefit you than say another building on another site on campus that has the same academic space?

MR. STONE: Are you asking me why the new SMP building would benefit me more than another --

MR. MANDELBAUM: Than another academic building?

MR. STONE: Because that's my major, that's the building I would use most often.

(Laughter.)

I'm sorry, I don't understand your question. I think that an increase in facilities contributes to a better reputation for the University overall.

MR. MANDELBAUM: Okay. I have no further questions.

Oh, one other quick thing, the University asked for Ms. Miller to give written response or written authorization to

speak on behalf of the Columbia Plaza Tenants Association. I would ask for written authorization for these students for the organizations they represent.

CHAIRPERSON REED: These gentlemen did not proffer to us that they were here to represent organizations. My understanding was they were representing themselves.

MR. MANDELBAUM: Okay, so they're not representing the organization that they said they were, just as individuals?

CHAIRPERSON REED: Not that I know of. Were you representing your organizations or yourselves?

MR. BLACKFORD: Ourselves, I was stating a position of the --

CHAIRPERSON REED: They did not state that they were representing any organization. Thank you very much.

All right. Excuse me one second. Come up. Did you wish to ask --

MS. MADDUX: Quick question.

CHAIRPERSON REED: All right, does anyone else have any questions of these witnesses?

Okay.

MS. MADDUX: Mr. Stone, is that the -- okay, I wrote down the wrong thing. You testified that G.W. needs to grow in this economic market. What is the basis of your analysis for that, personally?

MR. STONE: I'm sorry, could you clarify your

question.

MS. MADDUX: Your statement was that G.W. needs to grow in this economic market.

MR. STONE: In an economic upturn it makes sense to grow, yes.

MS. MADDUX: And what is your personal basis for that analysis?

MR. STONE: Analyzing the campus plan and other documents that I've seen.

MS. MADDUX: And it's based on your academic course in?

MR. STONE: I don't know that it's based on academic courses. It's based on general knowledge. It's based on the information that I've seen. It's based on the campus plan. It's also based on the --

MS. MADDUX: Well, I was looking for your framework for you to come to an analysis rather than just a reading.

What is your personal involvement with people who live in the community outside of people who are ANC representatives?

MR. STONE: Well, some of the people in the audience may or may not -- some of the people in the audience may know I work for the Office of Government Relations on campus and I was privileged throughout the month of March to attend several coffee klatches with a number of Foggy Bottom residents where we

discussed the campus plan concerns, questions, criticisms.

MS. MADDUX: How many were residents within Foggy Bottom you would say, the number of people there at a meeting?

MR. STONE: The sizes of the meetings varied, but I don't know, I would say not only with the meetings I've attended, but also people that I've spoken to, at ANC meetings, over the phone. I don't know --

MS. MADDUX: I'm talking about just the people who live in the neighborhood, not people --

MR. STONE: These were all people who lived in the neighborhood.

MS. MADDUX: Outside of the ANC meetings. So the meetings were in March. Thank you.

Mr. Blackford, is that right name?

MR. BLACKFORD: Blackford, yes.

MS. MADDUX: I apologize. You testified that you were a D.C. resident?

MR. BLACKFORD: That is correct.

MS. MADDUX: And where did you grow up and where have you lived during the times that you have been a D.C. resident beginning with your earliest time?

MR. BLACKFORD: My parents have lived in D.C. in the northeast area near Union Station and I started attending G.W. in 1991 and have lived in the Foggy Bottom community since that time.

MS. MADDUX: Can you please provide the addresses, because that's the normal thing.

CHAIRPERSON REED: Wait a minute, let me understand what you're asking.

VICE CHAIRMAN SOCKWELL: The only address that he's required to provide is his current address.

MS. MADDUX: And your current address is?

MR. BLACKFORD: My current address is 2020 F Street, N.W. That is the Statesman Apartment Building.

MS. MADDUX: Statesman Apartment Building, okay.

MR. BLACKFORD: I've lived there for the past three years, approximately.

MS. MADDUX: And what -- since you're a graduate student doing lots of research, when do you participate in neighborhood activities because you were talking about outreach to stakeholders. Which part of the people do you consider stakeholders in the neighborhood and what was your process for outreach?

MR. BLACKFORD: I never said that I personally participated in the outreach to the community. I said the University had a number of meetings that I was aware of where they outreached to the stakeholders and by stakeholders I was meaning residents of the Foggy Bottom community, the ANC, Foggy Bottom Association and other residents of the Foggy Bottom neighborhood. I know the Office of Government Affairs people preparing the

campus plan --

MS. MADDUX: You personally, because you're testifying as a person here, did not do the outreach to the stakeholders?

MR. BLACKFORD: The outreach to the stakeholders was when the stakeholders were at the student association meeting where we discussed some of the conditions that were put on the plan.

MS. MADDUX: Thank you. Mr. Elias?

MR. ELIAS: Yes ma'am.

MS. MADDUX: You gave us some interesting numbers. When the school was consulting with you all about the operation of the residence halls, one of things they have testified to earlier today was a process of communicating with and handling, for lack of a better word at this moment, its discipline problems and have a system of instituting some living discipline processes in residential housing. Did you participate in that process of applying discipline to people who live in University housing?

MR. ELIAS: I'm sorry, the process of applying discipline in meaning that I was involved in the judicial hearings or I was involved in the -- what was the process for determining how the students --

COMMISSIONER MITTEN: Ms. Maddux, you're outside the scope of his testimony.

MS. MADDUX: The reason I ask that, Madam, is

because he mentioned that he was involved in the Residential Hall Association.

COMMISSIONER MITTEN: I understand, but you're --

MS. MADDUX: And their operations of the housing, that's why I raised the question.

COMMISSIONER MITTEN: But he didn't testify as to anything related to this judiciary, student judiciary. So maybe you can just go to the next question.

MS. MADDUX: So they probably didn't. Okay, and Josh?

MR. ROTHSTEIN: Yes.

MS. MADDUX: You testified or you told us that you're a registered voter?

MR. ROTHSTEIN: No, I never said I was a registered voter.

MS. MADDUX: You're not a registered voter.

CHAIRPERSON REED: Remember that question was asked.

MS. MADDUX: I apologize. Madam Chair was speaking to me and I didn't hear your answer. I apologize.

CHAIRPERSON REED: Say it again.

MR. ROTHSTEIN: I'm not a registered voter. I just turned 18 not too long ago.

MS. MADDUX: Congratulations.

CHAIRPERSON REED: That was a caveat that we had in

the beginning, that we would not be redundant. That question has already been asked and answered.

MS. MADDUX: I apologize. I apologize. I apologize. Therefore, under those circumstances, since you consider yourself a resident of Foggy Bottom and the District of Columbia, do you pay taxes in the District of Columbia?

MR. ROTHSTEIN: Since I don't hold a job, I don't pay taxes. I pay sales tax. Every time I go across the street to the Watergate and buy stuff, I pay sales tax and I would say G.W. -- where I live, in HOVA, patronize all the businesses of Watergate, especially.

MS. MADDUX: I'm glad you can afford it. I can't.

CHAIRPERSON REED: You cannot testify. Thank you very much, are you done?

Thank you very much. All right, thank you.

Ms. Dwyer, does that conclude?

MS. DWYER: Yes. I think that we're at just about 6 o'clock. That concludes are direct presentation. We'll have all of the witnesses available on the 24th for cross examination from the Board and then those parties that have not already had the chance to cross examine.

CHAIRPERSON REED: Okay. Excuse me, come up, Ms. Miller. In regard to the issue of the Registrar and the questions that were asked of Mr. Barber, earlier on we had said that we'd try to extract from Mr. Barber the answers that you needed.

MS. MILLER: You notice he was not very informative. You didn't get any figures.

CHAIRPERSON REED: And we also were told that the formulas for the full-time equivalent calculations would also be provided to us. Now in addition to that I don't know what questions that were put to Mr. Barber that were not answered.

MS. MILLER: Well, the ones they have supplied us were not somewhat the same ones they said today and the other --

CHAIRPERSON REED: They were not the same?

MS. MILLER: And some of the things they have supplied us simply do not -- they do not measure up with the facts as we know them. And what we want to know, they couldn't tell us, how many students they had, how many undergraduates or where they were living or things of that nature. When we asked them to break it down, they could not do it. And I figured the only person in the whole University that would have it would be the person taking the money, the Registrar. You have to, when you register, pay somebody, give them an address, so they can get back with you and you can get your things mailed to you.

CHAIRPERSON REED: I think that one of the questions that was not answered specifically was in regard to the -- I think that someone asked was what was the number of full-time students who lived off campus.

MS. MILLER: They can't answer that either because I know almost that many live in my building.

CHAIRPERSON REED: The response, I think, was that they weren't sure and they would provide that answer to us. That's what I think --

MS. MILLER: I wish you luck, because we've been unable to get it and I would like to have at one point some functional information because they have control of 405 apartments in my building.

CHAIRPERSON REED: Ms. Miller, Ms. Miller, what they said was they were not sure of that particular -- the answer to that question, but they would make that information available to this Board.

MS. MILLER: Well, they've been promising us for a year and we haven't gotten it and it's not in the campus plan. It didn't come up in the facilitating process and we've been unable to really pin it down at any given time, which even Office of Planning got with them, they couldn't pin it down.

COMMISSIONER MITTEN: Madam Chair, I actually think it's a little premature for us to be deciding whether or not we need the Registrar or to forward questions to the Registrar because it's our questions and lack of answer to our questions that are going to precipitate calling on the Registrar for additional information.

Unfortunately, it's not your questions being unanswered, it's our questions being unanswered. So given that we haven't asked the questions yet, I think it's premature to be

pressing this point.

CHAIRPERSON REED: Or in the alternative, if there are questions that you want specific answers to, there's an opportunity for you to write those questions down, frame those questions and submit those to Ms. Dwyer and for the Registrar or whoever to answer those questions and then those questions, those answers can be submitted to this Board by the next hearing. That's fair enough. That doesn't mean that we have to necessarily ask the Registrar to come down here. All you want is answers to the questions, correct?

MS. MILLER: Not exactly because they can't give them. I'm telling you they can't give them. They haven't been able to give them yet and this has been going on for years.

CHAIRPERSON REED: Ms. Miller, Ms. Miller --

MS. MILLER: Let me add one thing, let me add one thing. I just wanted to say when we didn't have a traffic person here, they couldn't cross examine the traffic person. They couldn't ask him any questions.

VICE CHAIRMAN SOCKWELL: Ms. Miller, may I ask you one question? Very quickly, you said four out of -- you said that four out of five apartments in your building --

MS. MILLER: 405. And they bought 28.55 percent and our understanding is they want the rest of it.

VICE CHAIRMAN SOCKWELL: I just wanted a clarification.

CHAIRPERSON REED: Order, order. What we need to do is get the questions to them and they will respond to them by the next hearing date. That's the best we can do.

MS. MILLER: They just put ten drug addicts and we think we have them in our building.

CHAIRPERSON REED: Thank you very much. That then concludes today's hearing unless there is some other question.

(Whereupon, at 6:00 p.m., the hearing was recessed to reconvene May 24, 2000.)