

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA  
+ + + + +  
ZONING COMMISSION  
+ + + + +  
PUBLIC HEARING  
+ + + + +

IN THE MATTER OF: :  
:  
The George Washington University: Case Nos.  
: 06-11  
Special Exception for a Campus : and 06-12  
Plan and First Stage Planned :  
Unit Development & Related :  
Zoning Map Amendment :

Wednesday,  
October 11, 2006

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C. 20001

The Public Hearing of Case Nos.  
06-11 and 06-12 by the District of Columbia  
Zoning Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4th  
Street, Northwest, Washington, D.C. 20001,  
Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN           Chairperson  
ANTHONY J. HOOD           Vice-Chairperson  
GREGORY N. JEFFRIES      Commissioner  
JOHN G. PARSONS          Commissioner(NPS)  
MICHAEL G. TURNBULL      Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN      Secretary  
ESTHER BUSHMAN          General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
TRAVIS PARKER

The transcript constitutes the minutes from the public hearing held on October 11, 2006.

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P-R-O-C-E-E-D-I-N-G-S

(6:13 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Wednesday, October 11, 2006.

My name is Carol Mitten, and joining me this evening are Vice-Chairman Anthony Hood, and Commissioners Mike Turnbull, John Parsons, and Greg Jeffries.

I just want to apologize for the fact that we didn't -- I mean, the whole purpose of us being here at 5:30 was to start early, but there was a scheduling problem with the Court Reporter. No offense to the Court Reporter. Glad you could join us.

The subject of this evening's hearing is Zoning Commission Case Numbers 06-11 and 06-12, and it is a continuation of our September 28, 2006, hearing and subsequent evenings. This is a request by George

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1 Washington University for special exception  
2 relief and approval of the Foggy Bottom campus  
3 plan 2006 through 2025, pursuant to Sections  
4 210 and 3104.1 of the zoning regulations.

5 I'd just remind you that the  
6 hearing announcement, if you need it, is by  
7 the door. We have a pretty limited agenda  
8 tonight that I hope the -- our objective is to  
9 get through it all. We're going to begin with  
10 the cross examination of the Zoning  
11 Administrator, who has another engagement,  
12 which is why we're going to leave -- or let  
13 you leave as soon as we're done, and I  
14 appreciate your being with us tonight.

15 Then, we'll have cross examination  
16 of representatives from the District  
17 Department of Transportation. Then, we'll  
18 have rebuttal by the applicant and cross  
19 examination on the rebuttal, and I guess we  
20 can do that -- the additional materials that  
21 were submitted simultaneously.

22 I don't think we're going to have

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1 any new folks. I'll just remind you that  
2 we're being recorded by the Court Reporter,  
3 and also being webcast live, so no disruptive  
4 noises in the hearing room, and I'd ask you to  
5 turn off all beepers and cell phones, so that  
6 it doesn't interrupt the hearing.

7 So I think everybody has been here  
8 for the rest of this, so I'll spare you the  
9 rest of the opening statement.

10 So, first, we will -- unless  
11 anybody has any preliminary matters, then I'll  
12 see if -- I just want to -- since you didn't  
13 have the benefit of being with us, Mr. Crews,  
14 the principal purpose for us asking you to  
15 join us is to -- I believe you would have been  
16 served with some proposed conditions by  
17 parties.

18 And we are asking for your  
19 feedback on the enforceability of those  
20 conditions. One of the specific questions  
21 that had been raised that I'll -- I know you  
22 will get if I don't pose it to you, has to do

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1 with terminology that is in the existing  
2 campus plan order and that is in the proposed  
3 condition from the university that involves  
4 the phrase "substantial compliance." And so  
5 maybe if you could kick off your -- unless you  
6 had something prepared that you want to say,  
7 or if you just -- do you just plan to respond  
8 to questions?

9 MR. CREWS: Thank you, Madam  
10 Chairman -- or is it Chair? Excuse me.

11 CHAIRPERSON MITTEN: Whatever you  
12 want to say is fine.

13 MR. CREWS: I do have -- we do now  
14 have extra copies, I should say, of my memo  
15 and comments. I apologize for our copying  
16 issues at DCRA this afternoon, but I did want  
17 to, first of all, express appreciation to the  
18 Commission for this opportunity to review the  
19 conditions, proposed conditions, for  
20 enforceability.

21 And I also would like to thank  
22 Travis Parker for serving as a resource

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1 person. As we -- as I reviewed the various  
2 provisions that were submitted, I looked at  
3 this as trying to make sure that I was not  
4 making policy decisions, but I was looking at  
5 each individual submission and how they -- and  
6 at times how they fit together for a  
7 particular condition. To make sure that you  
8 chose the policy, I would just comment on  
9 whether or not, as it was worded, to -- if I  
10 determined it would be enforceable.

11 And I say "enforceable" in terms  
12 of having either specific performance measures  
13 and/or language that I thought, at least while  
14 I'm serving in this position, that I would be  
15 able to interpret and articulate that  
16 interpretation for all of the parties, and  
17 whether they, you know, agreed with the  
18 interpretation or not, but at least we would  
19 be able to articulate it.

20 Along those lines, when you talk  
21 about substantial or strict, I think both of  
22 them are unnecessary, that compliance is

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1 compliance. And, you know, strict compliance  
2 would be on the other side of substantial  
3 compliance, but why don't we -- either way,  
4 having a word raised in my opinion, especially  
5 as my training as an attorney, you know, if we  
6 don't need those words, we shouldn't have  
7 those words, because they do present the  
8 opportunity for questions.

9           So I think compliance is  
10 compliance. And if you're at 20,001, you're  
11 not in compliance. If you have, you know, all  
12 of the parking spaces, then you are in  
13 compliance. And so that was kind of, you  
14 know, from that initial thing, and you will  
15 see it in the -- in the document, the  
16 comments.

17           And my comments are, just in a  
18 format note, in italics after each condition  
19 or sub-condition that, depending on how it  
20 works -- for example, the first three  
21 conditions -- well, let me back up one more  
22 thing. Just so that everyone knows, I

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1 received three different submissions of  
2 proposed conditions. One, joint submission  
3 from ANC 2A and the Foggy Bottom Association,  
4 one from the university, and one from the West  
5 End Citizens Association. And so are the  
6 three that came in by the deadline you had  
7 submitted last week, and those are the three  
8 that we looked at.

9           Again, on a format basis, the  
10 comment -- my comments are in italics in the  
11 -- at the end of each condition or sub-  
12 condition.

13           I think that's all I had for a  
14 start. Were you going to have questions? And  
15 also, because of the time and my previous  
16 commitment for another ANC, that I'd be more  
17 than happy to come back at any time at the  
18 Commission's invitation. I'm at your  
19 disposal, limited I guess to other previous  
20 commitments, but this was a public meeting  
21 tonight that they had already advertised, and  
22 so I --

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1 CHAIRPERSON MITTEN: I understand.

2 MR. CREWS: -- appreciate the --

3 CHAIRPERSON MITTEN: What time do  
4 you need to leave?

5 MR. CREWS: I need to be there at  
6 42nd and Fesserdan at 7:00.

7 CHAIRPERSON MITTEN: Okay. Well,  
8 then, let's ask any major questions. I  
9 appreciate your doing this. One of the things  
10 that I think is clear is that in the order  
11 that -- as it was written by the BZA, of which  
12 I was part at the time, we forced on you  
13 certain interpretations that, through revised  
14 conditions -- and I don't know if you -- if  
15 you asked us for clarifications in certain  
16 places like what constitutes head count, that  
17 that could be fleshed out in greater detail,  
18 so that you wouldn't have to make an  
19 interpretation about what that means.

20 MR. CREWS: Yes. I've tried to  
21 add those editorial comments, so that would  
22 make these -- to make that a little bit --

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1 well, to greatly reduce the need for  
2 interpretation, and the -- let me see if I can  
3 find one that -- well, for example, on  
4 condition 8, which happens to be I guess on  
5 page 5 of -- unnumbered page 5, there is a  
6 suggestion to -- I think the university had  
7 there in -- probably four lines up from the --  
8 from the end of condition 8, one limited to  
9 the university population or the university --  
10 population, excuse me.

11 And the West End Citizens  
12 Association had suggested another word that I  
13 don't have right in front of me, and let me  
14 see -- oh, they used -- I guess, excuse me,  
15 let me back up. The university had suggested  
16 changing its use to one limited to the  
17 university population.

18 The West End Citizens Association  
19 suggested adding the word "functionality," and  
20 I was suggesting that it -- you just use the  
21 term "university use" as a way of trying to  
22 reduce the amount of interpretation. And

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1 that's just an example of where I've tried to  
2 do that, and actually, you know, offered an  
3 edit as opposed to just trying to say that  
4 either one was enforceable, which I say a lot,  
5 but, you know, and trying to clear up where we  
6 thought, well, what does that mean?

7 Another term was people used at  
8 various times the term "element," and element  
9 -- we didn't find a definition for "element"  
10 in the campus plan, so we weren't real sure  
11 what an element was. And so we've -- I think  
12 at one time was compliance with major elements  
13 of the campus plan, and I would suggest that  
14 we just use compliance with the campus plan.

15 CHAIRPERSON MITTEN: Okay. Let me  
16 see if any of my colleagues have questions.  
17 Any questions from Mr. Crews? Or otherwise,  
18 I'm going to go to the party.

19 (No response.)

20 Okay. You can pick them up on the  
21 back end if you have any. Ms. Dwyer?

22 MS. DWYER: Welcome, Mr. Crews.

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1 MR. CREWS: Thank you.

2 MS. DWYER: For the record,  
3 Maureen Dwyer, Pillsbury Winthrop Shaw  
4 Pittman. I just have a couple of questions,  
5 and they're really directed at the issue that  
6 you just spoke to -- the issue of substantial  
7 compliance. And I understand your interest in  
8 removing ambiguity, but I appreciate the fact  
9 also that you're a lawyer, so you understand  
10 that there are a series of court cases that  
11 interpret the term "compliance."

12 And I also wanted to ask you  
13 whether you're aware of the sections of the  
14 zoning regulations that do give you discretion  
15 as the Zoning Administrator to interpret or  
16 vary conditions, and I refer specifically to  
17 Section 2522 that allows you to permit certain  
18 deviations if the deviation will not impair  
19 the purpose of the regulations.

20 I also refer you to the section  
21 that allows you to approve modifications to  
22 PUDs up to a two percent flexibility. So my

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1 question is: isn't there already written into  
2 the regulations some discretion and  
3 flexibility that would allow you to interpret  
4 the substantial compliance standard?

5 MR. CREWS: Well, I guess I would  
6 look at that just, you know, that that gives  
7 me the opportunity to make those flexible --  
8 those minor flexible changes, but that still,  
9 then, would have them -- the university be in  
10 compliance.

11 MS. DWYER: Well, I guess that  
12 would refer, then, to some of the court  
13 decisions where the courts have said that  
14 substantial compliance is conduct that falls  
15 short of strict compliance, but otherwise  
16 meets the objectives.

17 And I guess my question is: if  
18 there was one student more than was permitted  
19 under the cap, would that one student be so  
20 significant that you would argue that it falls  
21 short of providing the protections that that  
22 condition was meant to address?

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1 MR. CREWS: Yes.

2 MS. DWYER: All right. Are you  
3 aware of the fact that this term is included  
4 in other campus plan orders? And have you had  
5 experience interpreting it with respect to  
6 other campus plans? Like American University,  
7 for example, or any of the other universities.

8 MR. CREWS: I have not been able  
9 to really address the other universities as  
10 much as I think some of their neighbors would  
11 like. But, again, I'm -- you know, one of my  
12 goals as the Zoning Administrator is to do a  
13 better job than the predecessors. And so this  
14 is part of my effort to try and be more  
15 precise and to give everyone, you know, a  
16 better understanding of what the rules are.

17 MS. DWYER: Oh, I would agree with  
18 you, and I think that's one of the goals here.  
19 Let me ask you -- the way that condition 7 is  
20 written, it says that no PUD application filed  
21 by the university may be granted unless the  
22 university is in substantial compliance.

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1           And so it does not preclude, as  
2           it's written, the filing of the application,  
3           but simply the granting of the application.  
4           And is it your understanding, then, that the  
5           Commission would have the discretion as part  
6           of their review of the application to  
7           determine whether there was good cause for  
8           some reason for the university not strictly  
9           complying with the condition?

10           MS. DWYER: Well, I think, I mean,  
11           this all goes back to I make my determination,  
12           and the -- as NRC questioned -- I guess is my  
13           interpretation appealed to the Zoning  
14           Commission or to the BZA, but all of my  
15           decisions are appealable to somebody. And so  
16           that in reading this that maybe, granted, the  
17           PUD application would have to come to this  
18           Commission.

19           I would assume that they would ask  
20           us, although they do have their own compliance  
21           officer, that we might, you know, work that  
22           out. I don't -- I really hadn't thought about

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1 that until just now in terms of I'm the  
2 enforcer, but they do have a compliance  
3 officer, that I -- it would be my opinion that  
4 the Zoning Commission would have the authority  
5 to determine whether or not the university was  
6 in compliance.

7 It would be my responsibility to -  
8 - if they determined that it was not in  
9 compliance, to make sure that those provisions  
10 for it being not in compliance were enforced.

11 MS. DWYER: All right. So there's  
12 nothing in this condition that takes away the  
13 discretion of the Commission to exercise its  
14 own judgment as part of the second stage PUD  
15 application.

16 MR. CREWS: The way it's written,  
17 no, I would think that that would be true.

18 MS. DWYER: Okay. Thank you.  
19 Those are all the questions that I had.

20 CHAIRPERSON MITTEN: Thank you.

21 Mr. Hitchcock?

22 MS. DWYER: Oh, no, I'm sorry. I

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1 have one more.

2 CHAIRPERSON MITTEN: Oh, sorry.

3 MS. DWYER: Turning to the section  
4 on condition 11, subparagraph A, you added  
5 language that states that the annual reports  
6 that the university provides regarding faculty  
7 and staff population should also indicate each  
8 company with a contract to provide services,  
9 and also the number of employees providing  
10 services.

11 Now, the university is -- would  
12 not -- these would not be employees of the  
13 university, so the university would not have  
14 the ability, on its own, to have records  
15 indicating the precise number. Is it possible  
16 under this condition that they could give an  
17 approximate number? It would be based on  
18 second-hand information from someone else who  
19 is at the university.

20 I think that was one of the issues  
21 we addressed in our 9/21 filing, that, you  
22 know, the reason that they can't give a clear

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1 number is that they simply do not have the  
2 personnel records for these individuals, so  
3 they would be asking them to provide estimates  
4 of how many they might have under contract.

5 MR. CREWS: I think that the -- as  
6 I look at this particular suggested edit is  
7 probably maybe a little borderline policy, but  
8 should be -- there were some proposals to have  
9 an estimate of the contract workers, I think  
10 probably based on the potential impact on the  
11 neighborhood, and that this was a combination  
12 of between what you all had suggested and what  
13 I think West End had suggested, that this  
14 particular language, should the Commission  
15 decide to include it, was -- to me was an  
16 easier way to understand what exactly it was.

17 I think that the -- all of these -  
18 -

19 MS. DWYER: I guess my question  
20 is: could we have in there an estimated  
21 number or an approximate number rather than an  
22 exact number? Because I wouldn't want the

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1 university to not be in compliance if the  
2 number isn't precise, and they don't have  
3 control over the data.

4 MR. CREWS: Okay. Well, what I'm  
5 trying to figure out is that -- is that I'm  
6 pretty sure that I did not recommend, because  
7 it would be a policy decision, to add the  
8 contract employees as part of the head count  
9 for the faculty and staff, and --

10 CHAIRPERSON MITTEN: Can I just  
11 interrupt you for a second?

12 MR. CREWS: Yes.

13 CHAIRPERSON MITTEN: I think this  
14 is for -- not for you to convince Mr. Crews  
15 that his proposal needs to be modified --

16 MS. DWYER: Okay.

17 CHAIRPERSON MITTEN: -- but he has  
18 advised us about what he would want to see to  
19 clarify the balance of the condition. You can  
20 say to us, "Hey, that's problematic; put  
21 estimated number."

22 MS. DWYER: Okay.

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1 CHAIRPERSON MITTEN: So rather  
2 than --

3 MS. DWYER: That's fine.

4 CHAIRPERSON MITTEN: -- convince  
5 him --

6 MS. DWYER: Okay. That's fine.

7 CHAIRPERSON MITTEN: Okay.

8 MS. DWYER: Then, I'm done.

9 MR. CREWS: Yes, okay. Well,  
10 that's a good point in terms of all of these  
11 is that, you know, it's -- I'm just providing  
12 advice.

13 CHAIRPERSON MITTEN: We get lots  
14 of advice.

15 (Laughter.)

16 Mr. Hitchcock?

17 MR. HITCHCOCK: Thank you, Madam  
18 Chair.

19 Mr. Crews, good evening again.  
20 Mr. Crews, as the Chair indicated, and some of  
21 the previous questions suggest, there is  
22 considerable interest in the substantial

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1 compliance issue. And Ms. Dwyer cited three  
2 provisions from the zoning regulations. Do  
3 you have them handy or --

4 MR. CREWS: I can.

5 MR. HITCHCOCK: -- I can provide  
6 you a copy if you would find it more  
7 convenient.

8 CHAIRPERSON MITTEN: I don't think  
9 the Zoning Administrator goes anywhere without  
10 a copy of Title VII.

11 (Laughter.)

12 MR. CREWS: I like to refer to it  
13 as "zoning in a bag."

14 (Laughter.)

15 MR. HITCHCOCK: Okay. The three  
16 provisions in question are, in order, 407,  
17 2520 -- excuse me, 2409.6, and 2522. I have  
18 copies here I can hand up if it will be  
19 easier.

20 MR. CREWS: That would be great,  
21 but I'm relatively familiar with --

22 MR. HITCHCOCK: Okay.

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1 MR. CREWS: -- certainly the  
2 Chapter 4 and Chapter 25 one.

3 MR. HITCHCOCK: Right.

4 MR. CREWS: Or maybe it's Chapter  
5 24.

6 MR. HITCHCOCK: The minor  
7 flexibility --

8 MR. CREWS: Right.

9 MR. HITCHCOCK: -- minor  
10 modification provisions. Would you agree with  
11 me that none of those provisions uses the  
12 phrase "substantial compliance"?

13 MR. CREWS: Right, they don't.

14 MR. HITCHCOCK: Correct. And in  
15 each of them, there are precise numerical  
16 limits on how you can exercise your  
17 discretion, isn't that correct?

18 MR. CREWS: That's exactly right.  
19 And, actually, in one of the proposals I think  
20 from the West End Citizens Association had  
21 suggested adding and referenced one of those,  
22 I think it -- and I pointed out that -- you

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1 know, that that -- you know, to specifically  
2 refer to them might be a policy issue, but  
3 those would still be available for -- under  
4 the use.

5 They also offered a suggestion  
6 that was more -- do you remember where that --  
7 condition 4. Okay. Right. They added a  
8 fourth section, 3030.2, which if I can turn to  
9 real quickly, just to kind of illustrate my  
10 point in trying to avoid additional ambiguity,  
11 3030.2 says, "For the purpose of this section,  
12 minor modifications shall mean modifications  
13 of little or no importance or consequence."

14 And, you know, someone's little  
15 consequence is somebody else's big issue. So,  
16 you know, I've -- you're right in stating that  
17 in the other sections of -- other three  
18 sections there are numerical limits on what we  
19 can do. It's 10 percent of this or two  
20 percent of that, and so they are very  
21 pinpointed.

22 MR. HITCHCOCK: Right. And those

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1 reflect essentially policy judgments in the  
2 regulations as to how exercise should be  
3 exercised within those limits.

4 MR. CREWS: Right.

5 MR. HITCHCOCK: You don't make  
6 judgments yourself about what's substantial,  
7 you don't --

8 MR. CREWS: No. I mean, you're  
9 limited by that. We do -- I mean, it -- I do  
10 require folks to, in their own words, explain  
11 to me how they do not violate the intent of  
12 the zoning regs, so it's not just, you know,  
13 handed out willy-nilly, but the -- because  
14 that is a particular provision of those  
15 sections.

16 MR. HITCHCOCK: Okay. Are you  
17 aware of any other provisions in the zoning  
18 regulations that use this formulation,  
19 substantial compliance? GW hasn't cited any  
20 in that.

21 MR. CREWS: Yes, I -- off the top  
22 of my head, I --

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1                   MR. HITCHCOCK: Are you aware of  
2 any --

3                   MR. CREWS: -- as I say, I do not  
4 sleep with this underneath my pillow, though,  
5 so --

6                   MR. HITCHCOCK: Yes. I'm not  
7 trying to -- this is not a spot quiz. GW has  
8 mentioned a single campus plan involving  
9 American where this phrase is used. Are you  
10 aware of any others, or do you enforce any  
11 others?

12                  MR. CREWS: Again, I haven't been  
13 able to have the opportunity to become  
14 familiar with the other campus plans.

15                  MR. HITCHCOCK: Okay. I had a --  
16 and I can't help noting that paragraph 6 of  
17 the proposed conditions, which I believe is on  
18 page 3 of your memorandum, 6A, talks about  
19 demonstration of compliance with applicable  
20 provisions in the zoning regulations. And  
21 that's GW's language, is it not?

22                  MR. CREWS: I believe so, yes.

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1 MR. HITCHCOCK: Okay. So they're  
2 comfortable with compliance. It doesn't have  
3 to be substantial, correct?

4 MR. CREWS: I'll leave that for --

5 MR. HITCHCOCK: Okay. A couple of  
6 other questions. You submitted earlier in  
7 this proceeding an audit, correct?

8 MR. CREWS: Yes.

9 MR. HITCHCOCK: Okay. And audit  
10 deals with issues of head count.

11 MR. CREWS: Right. This one  
12 specifically with student head count.

13 MR. HITCHCOCK: Correct. And you  
14 rely upon the biennial reports filed by the  
15 university for use in compliance, correct?

16 MR. CREWS: Right.

17 MR. HITCHCOCK: There are a number  
18 -- there are a number of categories of  
19 students as well as faculty -- and we'll stick  
20 with students -- that are not broken down  
21 specifically, isn't that correct? I mean, for  
22 example, the university goes from 24,000 down

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1 to 20,000 without breaking out Loudoun County  
2 and the others, correct?

3 MR. CREWS: Right.

4 MR. HITCHCOCK: Okay.

5 MR. CREWS: I think so. I don't  
6 have it in front of me, I apologize.

7 MR. HITCHCOCK: Yes, that's fine.  
8 I can pass one up if that would be helpful.

9 MR. CREWS: Okay.

10 CHAIRPERSON MITTEN: What are you  
11 trying to get to? Because his time is --

12 MR. HITCHCOCK: I'm trying to find  
13 out --the punchline question is: would you  
14 find it helpful, as one who enforces this, to  
15 find more detailed breakdowns than are  
16 currently provided?

17 MR. CREWS: Well, I think part of  
18 that undoubtedly is the more specific we can  
19 be, the better off we are. I think that, for  
20 example, the -- the -- where am I? Let me  
21 think here. I think you all have at -- had  
22 suggested -- where am I? 9, 10. Right, on

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1 condition 10, you know, rightfully or  
2 wrongfully, we accepted the university's  
3 methodology of how they're counting students,  
4 and I made some recommendations at the end of  
5 that audit report to try and help improve  
6 this.

7 But, for example, the ANC and  
8 Foggy Bottom Association proposal talked about  
9 persons being educated at any given time, and  
10 it would be -- you know, I would need much  
11 more clarification of how you -- how you  
12 commented on that, or, you know, how -- how we  
13 count that person's being educated.

14 In our audit report, we did ask  
15 the university to provide numbers of people  
16 that were not students enrolled in a course,  
17 in order to try and come up with this type of  
18 thing where I think your recommendation goes.  
19 And the more specific that we could be, the  
20 better off we would be.

21 MR. HITCHCOCK: Okay. Let me ask  
22 on that, the audit -- your cover letter with

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1 the report stated -- do you have a copy handy,  
2 or I can --

3 MR. CREWS: Yes.

4 MR. HITCHCOCK: Okay. At page 4,  
5 it states, "All students physically present in  
6 the neighborhood by attending courses at the  
7 Foggy Bottom campus should be counted." Is  
8 that still your view? And later where you  
9 say, "Mount Vernon students attending classes  
10 at Foggy Bottom should be counted in the Foggy  
11 Bottom head count, even if living on Mount  
12 Vernon campus"?

13 MR. CREWS: Right. Because I think  
14 that the intent -- and, again, this would be  
15 a policy decision, but, you know, this is the  
16 opportunity I had to -- to interpret this as  
17 an enforcement mechanism is that what we're  
18 trying to do in a residential neighborhood, as  
19 designed by the zoning regulations, is to  
20 account for the impact that this particular  
21 use as a university has on the neighborhood.

22 So whatever the Commission

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1 determines, the more specific, the better, of  
2 what they consider to have a person having an  
3 impact on the neighborhood, the better off we  
4 all are.

5 MR. HITCHCOCK: Yes. I ask,  
6 because just in looking at your report before  
7 we got going tonight, I didn't see anything in  
8 the text and just wanted to make sure that was  
9 still your recommendation.

10 Let me ask a question on the  
11 faculty and staff. Actually, let me finish  
12 up. Your audit report states that using this  
13 methodology of counting students taking  
14 classes, that GW would be in compliance for  
15 spring 2006 term, correct?

16 MR. CREWS: Yes.

17 MR. HITCHCOCK: And is it not also  
18 correct that under that methodology GW would  
19 have been out of compliance for fall 2005?

20 CHAIRPERSON MITTEN: Okay. Let's  
21 not get into that right now. All right?

22 MR. HITCHCOCK: Okay. Let me ask

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1 a question on the faculty and staff. The  
2 audit did not count faculty and staff, even  
3 though there had been requests to do so. And  
4 you stated there was concern about a  
5 methodology, correct?

6 MR. CREWS: Yes.

7 MR. HITCHCOCK: And did you get a  
8 chance to look at GW's Office of Institutional  
9 Research data?

10 CHAIRPERSON MITTEN: Now you're  
11 getting into -- if you want to talk about an  
12 interpretation --

13 MR. HITCHCOCK: Right.

14 CHAIRPERSON MITTEN: -- let's do  
15 that, but don't -- I don't want to talk about  
16 the -- the sort of rigors of the audit itself.

17 MR. HITCHCOCK: No, I'm -- the  
18 point that I'm trying to make is that, as the  
19 Chair indicated, there is a need for clarity  
20 and specifications. One of the points the  
21 Zoning Administrator made in his audit report  
22 is that it's difficult to count faculty and

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1 staff, and I was trying by the question to  
2 suggest that there are ways that GW does it.  
3 The question: isn't that true?

4 And he said he hadn't seen it.  
5 I'm trying to suggest -- make sure we have in  
6 the record the fact that there are ways. I  
7 think the colloquy would --

8 CHAIRPERSON MITTEN: I think that  
9 you should suggest that directly to the  
10 Commission and not try and get it in through  
11 --

12 MR. HITCHCOCK: Fine.

13 CHAIRPERSON MITTEN: -- Mr. Crews.

14 MR. HITCHCOCK: Okay. No, I'd be  
15 glad to.

16 I mean -- okay. I think that's  
17 all the questions I have. Thank you for your  
18 time.

19 MR. CREWS: Thank you.

20 CHAIRPERSON MITTEN: Thank you.

21 Ms. Kahlow?

22 MS. KAHLOW: I have a great number

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1 of questions for the Zoning Administrator  
2 based on your agreement last time, Madam  
3 Chairman, that I could ask about enforcement  
4 of current conditions. I only have two on the  
5 audit and the rest are about mostly current  
6 conditions and how he has interpreted --

7 CHAIRPERSON MITTEN: I'm just  
8 going -- I'm going to try and be fair, because  
9 I get the sense you're warming up for a -- you  
10 know, a series of questions, and I don't mean  
11 to cut you off. I want to make sure that --  
12 you know, we've already -- Mr. Crews is going  
13 to have a tough time getting up to Tenleytown.  
14 I just want to give you the opportunity -- you  
15 know, we can put this off to another --

16 MS. KAHLOW: That's fine with me.

17 CHAIRPERSON MITTEN: -- time. I  
18 mean, our intention was to try and get done  
19 tonight, but I know you have another  
20 obligation, so I leave it to you. Do you want  
21 to hang in with us and -- or --

22 MR. CREWS: I would -- you know, I

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1 don't know if you have -- I have to, you know,  
2 cut you off completely, if you had something  
3 on the -- on the document today. Otherwise,  
4 I would prefer to come back at -- certainly at  
5 your earliest convenience.

6 CHAIRPERSON MITTEN: Do you have  
7 plans after the Tenleytown meeting?

8 (Laughter.)

9 Because I'm sure we'll still be  
10 here.

11 (Laughter.)

12 MR. CREWS: Well, it is on the way  
13 home.

14 (Laughter.)

15 CHAIRPERSON MITTEN: Well, did you  
16 want to just ask the two questions about -- or  
17 do you want to hold it? What do you want to  
18 do?

19 MS. KAHLOW: I think it's probably  
20 better for the flow to hold it, and the  
21 document --

22 CHAIRPERSON MITTEN: Okay.

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1 MS. KAHLOW: -- that we received  
2 at 5:57 today, I haven't completed that  
3 analysis. So I have my 39 questions exclusive  
4 of the stuff I just got.

5 CHAIRPERSON MITTEN: Okay. I'll  
6 leave it to you whether you want to check in  
7 on us on the way home, Mr. Crews.

8 (Laughter.)

9 MS. DWYER: Madam Chair, just a  
10 point of clarification.

11 CHAIRPERSON MITTEN: Sure.

12 MS. DWYER: I'm trying to  
13 understand the balance of her questions,  
14 because there was a ruling by the Commission  
15 at the start of the hearing that we were not  
16 going to have this be a compliance hearing.

17 CHAIRPERSON MITTEN: Right, and I  
18 intend to adhere to that.

19 MS. DWYER: And the whole series  
20 of questions, it's just how you calculate, and  
21 the questions tonight are focused on, are  
22 these clear and enforceable conditions? So I

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1 would like to hear her questions on that  
2 issue, because I'm not sure her other  
3 questions are going to be germane.

4 CHAIRPERSON MITTEN: I know. But  
5 even going through to figure out what's  
6 germane or not is going to take a lot of time,  
7 and Mr. Crews -- I just want to be sure we're  
8 being fair, because Mr. Crews was nice enough  
9 to come. But we'll ask you back if we --

10 MR. CREWS: Okay.

11 MS. DWYER: Thank you.

12 MR. CREWS: All right.

13 CHAIRPERSON MITTEN: Okay.  
14 Thanks.

15 All right. I appreciate everyone  
16 being as accommodating as possible.

17 Okay. Now, we are ready to have  
18 the DDOT representatives come forward, because  
19 I understand there are more than one. Is that  
20 right? Ms. Reed? Ms. Reed has her posse with  
21 her tonight.

22 (Laughter.)

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1                   Yes,       just       make       yourself  
2 comfortable.  Maybe before we start you could  
3 just each state your name for the record.

4                   MS. REED:  My name is Charlene --

5                   CHAIRPERSON MITTEN:  Turn on --  
6 there you go.

7                   MS. REED:  Thank you.  Charlene  
8 Reed,  Acting  Supervisor,  Transportation  
9 Planning for DDOT.

10                  MR. JENNINGS:  Good evening, Madam  
11 Chair.  My name is Jeff Jennings.  I'm a  
12 Transportation Management Specialist with DDOT  
13 Policy and Planning.  I have not sworn in to  
14 this -- to testify at this --

15                  CHAIRPERSON MITTEN:  Oh, okay.

16                  MR. JENNINGS:  -- so far.  I guess  
17 if we could that, that would be great.

18                  CHAIRPERSON MITTEN:  Yes, we'll do  
19 that in -- after we find out who the gentleman  
20 is on -- turn on the microphone.

21                  MR. EGU:  My name is Victor Egu,  
22 and I'm a Transportation Engineer with GSA.

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1                   CHAIRPERSON MITTEN:    Spell your  
2                   last name for me.

3                   MR. EGU:    Egu, E-G-U.

4                   CHAIRPERSON MITTEN:    E-G-U.  Okay.  
5                   And, Mr. Jennings and Mr. Egu, if you wouldn't  
6                   mind standing up and raising your right hand,  
7                   we have Mrs. Schellin over here and she's  
8                   going to administer the oath.

9                   (Whereupon,  the witnesses  were  
10                  duly sworn.)

11                  CHAIRPERSON MITTEN:    Thank you.  
12                  And then, when you're done, if you would,  
13                  because I just didn't think to remind you,  
14                  you're going to have to fill out two of these  
15                  witness cards and give them to the Court  
16                  Reporter over there.

17                  Okay.  If you remember, when you  
18                  visited with us before, Ms. Reed, there were  
19                  a series of things that we had asked for  
20                  followup on, so I'll -- I'll let you address  
21                  those first off, and then we'll see what kind  
22                  of followup questions we have.  You need to

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1 turn the mike on.

2 MS. REED: We're going to -- well,  
3 we're going to talk about the impact of the  
4 modifications for the traffic signals proposed  
5 by Wells & Associates to allow for additional  
6 capacity. That was one of the questions that  
7 was raised. We had the traffic transportation  
8 engineer take a look at the proposed changes,  
9 and this meant a reduction of signal timing at  
10 several intersections throughout this area.

11 There were two intersections which  
12 we noted that had adverse effects or we  
13 couldn't really sanction, and I'll let Victor  
14 or Jeff talk about the specificity on that.

15 MR. JENNINGS: As Charlene said,  
16 we have two intersections that do cause a  
17 little bit of a further review. Those  
18 intersections include 23rd and I Street, and  
19 23rd, F, and Virginia Avenue. There is an  
20 additional one where a detailed investigation  
21 is required, so we can't necessarily comment  
22 in full depth or in such depth for 23rd and I

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1 Street and 23rd, F, and Virginia.

2 Out of the 10 noted signalized  
3 intersections whereby the applicant was coming  
4 forward for signal timing adjustments, these  
5 particular two stuck out more than -- or I  
6 should say only stuck out, not more. There is  
7 no adverse effect on the rest of the  
8 intersections that we're necessarily talking  
9 about here, and it's why we brought Victor to  
10 speak about these intersections tonight.

11 MS. REED: Okay. Well, we're  
12 going --

13 CHAIRPERSON MITTEN: If you're  
14 going to speak, you have to speak into the  
15 microphone, so it will be on the record.

16 MS. REED: If there is cross  
17 examination on the signal timing analysis,  
18 that's the purpose for Victor being here. If  
19 the attorney would like to ask specific  
20 questions, then Victor is going to answer at  
21 that point.

22 CHAIRPERSON MITTEN: Okay.

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1 MS. REED: We'll go through the  
2 other options that were brought forward as  
3 well.

4 CHAIRPERSON MITTEN: So do you  
5 want to do the signal timing and then let Mr.  
6 Egu go?

7 MS. REED: If we could, yes,  
8 please.

9 CHAIRPERSON MITTEN: Okay. Okay.  
10 So just so I'm clear on what you just said,  
11 there was a series of adjustments that were  
12 proposed, and if I understood you correctly  
13 the two intersections that you noted require  
14 further study. You're not prepared to accept  
15 the recommendation at this point, is that what  
16 you said?

17 MR. EGU: Yes.

18 MS. REED: Okay.

19 CHAIRPERSON MITTEN: Okay. So you  
20 can't say whether or not that those timing  
21 recommendations could be adopted or --

22 MR. EGU: Not at this time, yes.

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1 CHAIRPERSON MITTEN: Okay. And,  
2 consequently, what's your conclusion as it  
3 relates to the overall, you know,  
4 recommendations of the -- of the applicant's  
5 traffic expert?

6 MR. EGU: We -- overall we have my  
7 overview here -- my review indicates that we  
8 will significantly accept the propositions  
9 that were made by the consultant, especially  
10 in relation to -- if I could go ahead with  
11 mentioning some of the intersections here that  
12 --

13 CHAIRPERSON MITTEN: Okay.

14 MR. EGU: The affected  
15 intersections will be 23rd and G Street, as  
16 well as these are the intersections that we --  
17 I thought by reviewing closely that they were  
18 not going to have any adverse effects on, you  
19 know, the flow of traffic, but that's -- the  
20 reduction, I'm sorry. Excuse me.

21 The first one was 23rd Street and  
22 G Street, and the other 21st and H Street,

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1 also 21st and G Street, as well as 20th and H  
2 Street, and, lastly, 20th and F Street. These  
3 are the locations that we said earlier are not  
4 going to significantly have any adverse  
5 effects based on the proposition of the  
6 contractor.

7 But previously, as we mentioned,  
8 the two particular intersections that we feel  
9 we have some dissenting views are the 23rd  
10 Street and I Street, as my colleague said  
11 earlier, and then the 23rd Street, F Street,  
12 that also intersects Virginia Avenue, which  
13 has some overlaps.

14 That's going to significantly --  
15 we would disagree with the recommendation and  
16 unless, as we -- as I indicated here there is  
17 a justifiable reason such as a lower than  
18 normal volume count, that the green time at --  
19 was on Virginia Avenue should not be reduced.

20 CHAIRPERSON MITTEN: Are you  
21 reading from a report that you prepared?

22 MR. EGU: I have the report here.

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1                   CHAIRPERSON MITTEN:       Is that  
2 something that you could share with the  
3 Commission?     Because, you know, the more  
4 information we have in the record, the better  
5 it is for everybody.

6                   MS. REED:    Yes.

7                   CHAIRPERSON MITTEN:    Okay.

8                   MS. REED:    Yes, we can release  
9 that.

10                  CHAIRPERSON MITTEN:    Okay.

11                  MS. REED:    Should we just give it  
12 to you at the end?

13                  CHAIRPERSON MITTEN:    Yes, we'll  
14 have to get copies to --

15                  MS. REED:    All right.

16                  CHAIRPERSON MITTEN:    -- to the  
17 Commission, and then all of the parties as  
18 well.

19                  MS. REED:    Okay.

20                  CHAIRPERSON MITTEN:    One of the  
21 things that we -- there were a series of  
22 concerns that were raised by the traffic

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1 expert for one of the parties in opposition,  
2 and we had asked Mr. Meara to come to DDOT and  
3 talk about some of his -- the concerns that he  
4 raised. I don't know if you spoke to Mr.  
5 Meara, because I don't know if they -- there  
6 was one at least that I think related to  
7 traffic signal timing perhaps, and it had to  
8 do with the cues at the impacted  
9 intersections.

10 Did you have any -- did you have  
11 any comments on the parties' traffic expert  
12 report? Is that something that you dealt  
13 with, Mr. Egu?

14 MR. EGU: Yes. I guess your  
15 question here relates to the comments that we  
16 had with -- saying that the -- excuse me.  
17 That there are no existing cue data at  
18 congested intersections. Is that what you're  
19 referring to?

20 CHAIRPERSON MITTEN: Well, I don't  
21 -- I don't remember precisely what Mr. Meara  
22 had asserted was incorrect in the applicant's

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1 traffic study, but we had asked him to raise  
2 the concerns with DDOT. So I'm asking, is  
3 there anything that you wanted to respond to  
4 that Mr. Meara had raised? I don't know if he  
5 raised anything specifically with you.

6 MS. REED: Why don't you ask Jeff  
7 to answer that question for you.

8 MR. JENNINGS: Let me try and  
9 answer that.

10 CHAIRPERSON MITTEN: Okay. I'm  
11 just trying to isolate --

12 MR. JENNINGS: Sure.

13 CHAIRPERSON MITTEN: -- Mr. Egu  
14 questions.

15 MR. JENNINGS: Thank you very  
16 much. I think what Mr. Meara has brought to  
17 the attention of the agency is a couple of  
18 items including existing conditions, peak hour  
19 determination, trip generation, future  
20 conditions, levels of service, and then a  
21 transportation management plan that he labels  
22 as generic.

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1                   We've come prepared tonight to  
2 speak about all of these items. If there are  
3 particular things that you want addressed  
4 before anything else, something that --

5                   CHAIRPERSON MITTEN: Okay. If  
6 you're prepared to deal with it, I just wanted  
7 to make sure before we let Mr. Egu go that  
8 there's nothing that's going to come back  
9 around and we're going to go, "Darn it, why  
10 did we let him go?"

11                   MR. JENNINGS: Right.

12                   CHAIRPERSON MITTEN: All right.

13                   MR. JENNINGS: I think we  
14 understand. I think that the timing signal  
15 adjustment was Mr. Egu's biggest --

16                   CHAIRPERSON MITTEN: Okay.

17                   MR. JENNINGS: -- topic he could  
18 approach tonight.

19                   CHAIRPERSON MITTEN: Okay. Any  
20 questions from the Commission?

21                   (No response.)

22                   Okay. Ms. Dwyer, any questions

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1 for Mr. Egu?

2 MS. DWYER: Yes, just a couple  
3 just to clarify. Mr. Egu, when the university  
4 initially submitted its traffic report and  
5 analysis, it did it on the basis of  
6 faculty/staff members projected to go up to  
7 7,054, and at that point in time DDOT's report  
8 indicated that it was in agreement with the  
9 signalization changes and other traffic  
10 mitigation measures in the initial report.

11 The second report was to project  
12 what an additional 6,475 faculty and staff  
13 would do. And my understanding is what you're  
14 saying is with that second record and those  
15 additional numbers, all of the intersections,  
16 with the exception of 23rd and I, and 23rd, F,  
17 and Virginia, are okay with DDOT, that the  
18 mitigation and signalization changes are  
19 approved by you. It's just these two  
20 intersections where you need further study.

21 MR. EGU: Yes.

22 MS. DWYER: And you're not saying

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1 that they're disapproved, you just need more  
2 time to analyze these two intersections.

3 MR. EGU: And two additional, yes.

4 MS. DWYER: Okay. That was it.  
5 Thank you.

6 CHAIRPERSON MITTEN: On that  
7 point, how much additional time do you think  
8 you need to study?

9 MS. REED: The recommendation is  
10 that the consultants come in and meet with  
11 specific DDOT staff to work out the  
12 optimization plan.

13 CHAIRPERSON MITTEN: Okay. Okay.  
14 Mr. Hitchcock, any questions? This is just  
15 for Mr. Egu.

16 MR. HITCHCOCK: I confess I'm not  
17 sure, because some of them may relate to  
18 underlying assumptions.

19 Mr. Egu, did you consider the  
20 point in Mr. Meara's testimony about the  
21 disparity between a.m. trips and p.m. trips,  
22 i.e., and p.m. is 13.6 employees versus 1 and

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1 3 in the a.m.?

2 MS. REED: To answer for Mr. Egu,  
3 no, he only was responsible for looking at  
4 signal timing and the proposed changes.

5 MR. HITCHCOCK: Okay. But the  
6 last question dealt with increases in the  
7 faculty, and would that affect his  
8 calculations?

9 MS. REED: No, he was looking at  
10 total trips proposed as it relates to signal  
11 timing specifically. If we added four  
12 seconds, or if we took away eight seconds,  
13 what the impact would be to that particular  
14 signal and how it would function, not  
15 necessarily how many additional trips it would  
16 add.

17 MR. HITCHCOCK: Okay. Did Mr. Egu  
18 -- Mr. Egu, did you also look at levels of  
19 service about the intersections, or is that  
20 question more for Mr. Jennings?

21 MR. EGU: Yes, we did overall --  
22 the level of service did not signify a change.

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1                   MR. HITCHCOCK: But I'm not sure  
2 you've answered Mr. Meara's criticism that you  
3 have nine -- nine intersections failing today,  
4 and with GW's expansion 16 out of the 37 would  
5 fail based on wells. And if you use corrected  
6 data, six more may fail. How does -- do you  
7 agree? Disagree?

8                   MR. EGU: Let me see. Yes.

9                   MS. REED: Again, Mr. Egu had  
10 short notice to look specifically at signal  
11 timing plans proposed by the consultants. And  
12 what -- these plans just look at the  
13 operational analysis of how a signal  
14 functions. He didn't look at the statements  
15 that came from the opposition as relates to  
16 Wells summarization.

17                   So he has not had an opportunity  
18 to look in detail at the specific opposition  
19 questions. He looked specifically at if you  
20 added or took away signal timing at these  
21 proposed intersections what the impact would  
22 be.

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1 MR. HITCHCOCK: Did any -- I'm  
2 sorry. I didn't mean to cut you off.

3 MS. REED: No problem.

4 MR. HITCHCOCK: Okay. Did anyone  
5 else at DDOT look at Mr. Meara's report on  
6 these issues?

7 MS. REED: No. We talked to Wells  
8 & Associates, and they answered the questions  
9 based upon the analysis -- yes, as a matter of  
10 fact, I take that back, we did have Mr. Bah,  
11 who is our development review specialist, take  
12 a look at Wells' responses and to comment on  
13 it.

14 MR. HITCHCOCK: Okay. Do you have  
15 Wells' responses?

16 MS. REED: Wells' response to the  
17 traffic engineer's questions related to --

18 MR. HITCHCOCK: Okay.

19 MS. REED: -- what they proposed.

20 MR. HITCHCOCK: Is that a part of  
21 -- did DDOT submit that for the record, these  
22 response -- oh.

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1 MS. REED: This document was  
2 prepared by Wells & Associates.

3 MR. HITCHCOCK: Which is "this  
4 document"?

5 MS. REED: The document that talks  
6 about the questions that the traffic engineer  
7 had regarding the analysis that was proposed.

8 CHAIRPERSON MITTEN: We'd like you  
9 to submit that for the record, because I don't  
10 think that it has been submitted.

11 MS. REED: We'll do that.

12 MR. HITCHCOCK: Okay. I have no  
13 further questions for Mr. Egu. I mean, his  
14 representation is that he didn't look at the  
15 report and --

16 CHAIRPERSON MITTEN: I understand.

17 MR. HITCHCOCK: -- I haven't seen  
18 the Wells response, and --

19 CHAIRPERSON MITTEN: I understand.

20 MR. HITCHCOCK: -- I'm not sure  
21 what else I can do, and we'd like, you know,  
22 to have an opportunity, if possible. Thank

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1 you.

2 CHAIRPERSON MITTEN: Thank you.  
3 Anything for Mr. Egu?

4 (No response.)

5 Okay. Mr. Egu, you can go catch  
6 your train, if you'd like. Thank you for  
7 joining us.

8 MR. EGU: Thank you very much.

9 CHAIRPERSON MITTEN: Is there any  
10 particular reason why Mr. Bah is not here  
11 tonight?

12 MS. REED: I can't -- no  
13 particular reason. We are just here to  
14 represent DDOt at this point.

15 CHAIRPERSON MITTEN: Okay. It  
16 just sounds like Mr. Bah had at least some  
17 responsibility for responding, and I don't  
18 know if it was done in writing, to the traffic  
19 expert by the applicant responding to concerns  
20 by the expert for the opposition. And I think  
21 there's -- you might have sensed a little  
22 frustration with you being overly reliant on

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1 the applicant's expert for analysis --

2 MS. REED: Right.

3 CHAIRPERSON MITTEN: -- when DDOT  
4 is supposed to be sort of the arbiter of who  
5 is advising the Commission appropriately. So  
6 it might be helpful to have someone like Mr.  
7 Bah available to confront these things more  
8 directly, so we may --

9 MS. REED: Okay.

10 CHAIRPERSON MITTEN: -- since we  
11 might have to visit with Mr. Crews again,  
12 invite Mr. Bah to join us at a subsequent  
13 session.

14 So you were going to --

15 MS. REED: Add to that?

16 CHAIRPERSON MITTEN: Well, you  
17 were going to walk through some of the --  
18 first of all, the issues that had been raised  
19 by the Commission when you visited with us the  
20 last time, and then deal with the issues that  
21 Mr. Meara had raised that we asked him to  
22 discuss with DDOT.

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1 MS. REED: All right.

2 CHAIRPERSON MITTEN: So I'll let  
3 you make whatever statements you care to, and  
4 then we'll ask followup questions.

5 MS. REED: There was a question  
6 that was asked related to the lost parking on  
7 this corridor, and we had the parking  
8 specialist to devise the amount of revenue  
9 that would be lost, and it ended up being  
10 about \$2,800 for the year. He had no  
11 opposition to removing the parking meters and  
12 the short-term removal of the RPP spaces that  
13 were impacted, if it was going to improve  
14 capacity of the intersection.

15 CHAIRPERSON MITTEN: What did you  
16 mean by "short term"?

17 MS. REED: Short term in that the  
18 parking would be removed for the a.m. and the  
19 p.m. peak only.

20 CHAIRPERSON MITTEN: I see. Okay.

21 MS. REED: There was additional  
22 questions that stated that the TMP was too

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1 generic. We met with the consultants and  
2 George Washington University, asked them to  
3 devise more specific recommendations. They  
4 prepared a report. It's quite intensive, but  
5 it dealt with public transportation passes, GW  
6 parking facility permits.

7 The parking facility permits, we  
8 came to the understanding was that these were  
9 leased arrangements. One of the concerns was  
10 that individuals would be riding through the  
11 community looking for an available parking  
12 space in one of the lots. These spaces are  
13 leased on a monthly basis, and so there should  
14 be no concern. Individuals will go directly  
15 to those particular lots, so we wouldn't have  
16 traffic generated as a result of that.

17 Carpool programs, on campus  
18 parking's pre-tax deduction programs, we  
19 talked about. Off campus parking's pre-tax  
20 deduction programs, which was also talked  
21 about earlier. One of the major improvements  
22 that we got from GW was that they were going

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1 to employ a transportation management  
2 coordinator who would oversee all of the  
3 transportation management plans being put  
4 forth, and it would be the primary  
5 responsibility of this individual to monitor,  
6 self-enforce, and make sure that GW is in  
7 compliance with the transportation management  
8 plan put forth.

9 They also indicated that  
10 technology -- technological initiatives such  
11 as blog, Blackboard learning systems, online  
12 library resources, and a reduction for the  
13 need of physical movement between the Foggy  
14 Bottom and the GW campus would be  
15 administered. So that's saying that the  
16 classes would be set up in a way where the  
17 students wouldn't have to travel from one  
18 campus to another campus, if they could locate  
19 those courses close together. That reduces  
20 the need for travel as well.

21 There was a parking management  
22 strategy for onsite during the construction

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1 period, and the truck management program,  
2 which is in Exhibit A, talked about how they  
3 were going to deal with general deliveries,  
4 deliveries of retail on campus, and students'  
5 move in and out procedures.

6 These documents we can submit to  
7 the Zoning Commission as well.

8 CHAIRPERSON MITTEN: That would be  
9 helpful.

10 MS. REED: I think we'll move to  
11 answer some of the questions that Mr. Meara  
12 raised, unless you have additional questions.

13 CHAIRPERSON MITTEN: I had asked  
14 about the streetscape plan and there was --  
15 there's clearly a division of labor that was  
16 anticipated through the streetscape plan, and  
17 I asked you to examine what responsibilities  
18 DDOT would have and whether or not there's  
19 funding for those various items.

20 MS. REED: We did have that  
21 discussion with George Washington University.  
22 And initially, George Washington University is

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1 going to accept the responsibility for  
2 implementing the entire streetscape plans,  
3 with the exception of those items that I  
4 indicated at the last session. Those will be  
5 street trees and lighting -- street lights.

6 The maintenance issues associated  
7 with street lighting will be DDOT's  
8 responsibility, as well as street trees. All  
9 other streetscape improvements will come under  
10 the responsibility of GW.

11 CHAIRPERSON MITTEN: Right. And  
12 so, then, to the issue of the trees and the  
13 lighting, is DDOT -- does DDOT have a budget  
14 to implement those aspects of the streetscape  
15 plan? And if you do, what's the timing of the  
16 availability of the funds?

17 MS. REED: DDOT budgets fiscally  
18 for street tree improvements, planning, and  
19 pruning, as well as street light maintenance.  
20 So throughout every fiscal year there is a  
21 set-aside amount for those particular issues.

22 CHAIRPERSON MITTEN: Right. But

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1 that's not unique to Foggy Bottom, right?

2 That's city-wide for --

3 MS. REED: No, that is city-wide.  
4 Therefore, it would -- it would come under  
5 Ward 2, responsibilities under street lighting  
6 as well as urban forestry's responsibility for  
7 pruning, maintenance, and those type of  
8 things.

9 CHAIRPERSON MITTEN: So it would  
10 be your intent just to, as far as implementing  
11 the overall streetscape plan, that this would  
12 be an area that would be considered in the  
13 overall pool of --

14 MS. REED: DDOT's responsibility.

15 CHAIRPERSON MITTEN: Right. And  
16 there's no special allocation of resources --

17 MS. REED: No.

18 CHAIRPERSON MITTEN: -- to  
19 implement the plan.

20 MS. REED: No.

21 CHAIRPERSON MITTEN: Okay. One of  
22 the things that hadn't been submitted at the

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1 time, and that we had asked the applicant to  
2 consider, is the fact that their traffic study  
3 had been based on an anticipated number of  
4 faculty and staff, and not the cap, and that  
5 there would be a supplemental report that the  
6 applicant was going to prepare and then  
7 deliver to DDOT for your comment. Did you get  
8 that report?

9 MS. REED: Yes, we did. This is -  
10 - and this is the supplemental report that we  
11 talked about earlier.

12 CHAIRPERSON MITTEN: Okay.

13 MS. REED: It's quite intensive.  
14 Was there a specific question that we --

15 CHAIRPERSON MITTEN: Is that in  
16 the record? Do we have that?

17 MS. DWYER: That's being filed  
18 tonight as part of our rebuttal. These are  
19 issues that came up in the hearing that we're  
20 responding to.

21 CHAIRPERSON MITTEN: Okay.

22 MS. DWYER: Thank you.

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1 CHAIRPERSON MITTEN: Does DDOT  
2 have a written response to it, or not?

3 MS. REED: The only issue DDOT had  
4 I brought up earlier. We talked about the  
5 reduction of parking. Everything else was  
6 fine.

7 CHAIRPERSON MITTEN: Okay.

8 MS. REED: The traffic signal  
9 issues we addressed earlier as well.

10 CHAIRPERSON MITTEN: Okay. Let me  
11 see if my colleagues have any questions. Any  
12 questions?

13 (No response.)

14 Okay. Ms. Dwyer, questions?

15 MS. DWYER: I have just a couple  
16 of questions. Did DDOT receive a copy of Mr.  
17 Meara's comments on the Wells report?

18 MS. REED: Yes.

19 CHAIRPERSON MITTEN: I'm sorry. I  
20 was supposed to let her go. I --

21 (Laughter.)

22 MS. DWYER: And when you received

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1 Mr. Meara's comments, did you then ask Wells  
2 & Associates to respond specifically to the  
3 issues that Mr. Meara raised?

4 MS. REED: Yes, those are -- we  
5 did ask that question.

6 MS. DWYER: And then, did you make  
7 your evaluation based on the information you  
8 received from both consultants as well as your  
9 independent review?

10 MR. JENNINGS: We feel the way  
11 we've commented tonight does provide an  
12 independent review. Madam Chair is absolutely  
13 correct, Mr. Bah should have been here tonight  
14 to testify on behalf of the agency. Perhaps  
15 he can join Mr. Crews when he comes back. He  
16 would be a much better person to speak to a  
17 lot of the civil engineer matters that we have  
18 at issue here.

19 MS. DWYER: All right. One final  
20 question. At the last hearing, Ms. Reed, I  
21 think you were asked what additional TMP or  
22 transportation management plan measures you

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1 would recommend, and I think your answer was  
2 that DDOT would like to respond to measures  
3 that the applicant proposes. Is that correct?

4 MS. REED: Yes, that is correct.

5 MS. DWYER: And so subsequent to  
6 that hearing, did the applicant meet with you  
7 to specifically propose changes to its TMP in  
8 order to provide you with measures that you  
9 could respond to and comment on?

10 MS. REED: Yes.

11 MS. DWYER: All right. Thank you.

12 CHAIRPERSON MITTEN: Mr.  
13 Hitchcock?

14 MR. HITCHCOCK: Madam Chair, I  
15 have a number of questions. I'm prepared to  
16 go through Mr. Meara's comments point by  
17 point. What I would like to ask is: would it  
18 not be more efficient perhaps for us to get  
19 copies of the Wells submission, the current  
20 DDOT report, and submit a written response for  
21 the record if we're going to be coming back?  
22 Rather than just go point by point, I think it

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1 would be a more --

2 CHAIRPERSON MITTEN: I think  
3 that's probably --

4 MR. HITCHCOCK: -- efficient way  
5 of proceeding.

6 CHAIRPERSON MITTEN: Yes.  
7 Especially -- I just want to ask confirmation  
8 from Ms. Reed and Mr. Jennings. Would you  
9 anticipate that you would be suggesting that  
10 Mr. Bah had done thus and so and had done some  
11 followup analysis, and so it -- it actually is  
12 best to put this particular line of  
13 questioning off? Would you agree with that?

14 MS. REED: I would. And just for  
15 additional clarity, is it my understanding  
16 that these questions are going to be submitted  
17 prior to the testimony in order that Mr. Bah  
18 can prepare appropriately?

19 CHAIRPERSON MITTEN: That would be  
20 the most helpful.

21 MR. HITCHCOCK: Well, I mean, I  
22 haven't seen what the Wells -- the latest

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1 Wells submission to this.

2 CHAIRPERSON MITTEN: Right. He's  
3 not --

4 MR. HITCHCOCK: I haven't seen  
5 DDOT's report. We'd like to talk with our  
6 expert and, you know, see if there is  
7 agreement. And if DDOT has made its judgment  
8 on the basis of it, I mean, there may be  
9 questions. But, I mean, that's what cross  
10 examination is about.

11 CHAIRPERSON MITTEN: Right.

12 MR. HITCHCOCK: But I'm just  
13 trying to keep it as efficient as possible,  
14 and --

15 CHAIRPERSON MITTEN: Right.

16 MR. HITCHCOCK: -- it would  
17 probably be more helpful to the Commission to  
18 have something in writing --

19 CHAIRPERSON MITTEN: Right. I  
20 think --

21 MR. HITCHCOCK: -- questions.

22 CHAIRPERSON MITTEN: -- what Ms.

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1 Reed is suggesting is that in order to get the  
2 most helpful response and the most thoughtful  
3 response from DDOT is if they knew in advance  
4 what you wanted to know, then they could do,  
5 you know, whatever research they would need  
6 to.

7 MR. HITCHCOCK: Yes. What I was  
8 suggesting -- I think if we could send  
9 something in from Mr. Meara to the Commission,  
10 get a copy of --

11 CHAIRPERSON MITTEN: Okay.

12 MR. HITCHCOCK: -- his -- of the  
13 questions that he still has --

14 CHAIRPERSON MITTEN: Okay.

15 MR. HITCHCOCK: -- and we still  
16 have, that might help Mr. Bah as to  
17 outstanding issues.

18 CHAIRPERSON MITTEN: Okay.

19 MR. HITCHCOCK: And, obviously, GW  
20 would have a copy and we could have -- proceed  
21 more efficiently.

22 CHAIRPERSON MITTEN: Sounds good.

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1 MR. HITCHCOCK: Okay.

2 CHAIRPERSON MITTEN: Any questions  
3 for these folks?

4 MR. HITCHCOCK: I'll wait until  
5 next time.

6 CHAIRPERSON MITTEN: Okay. Ms.  
7 Kahlow?

8 MS. KAHLOW: First, I want to know  
9 if you got a transcript from last time or --  
10 so that Jeff has the ability to see some of  
11 those questions. Do you have that transcript?

12 MS. REED: The transcript was  
13 submitted to us. We don't have it here with  
14 us tonight.

15 MS. KAHLOW: But you've seen it.  
16 Very good.

17 Well, we had discussions on two  
18 things. One was the number of parking spaces  
19 that would be lost in the Foggy Bottom campus  
20 area -- number of metered spaces, zone 2  
21 spaces, those that are a.m., and those that  
22 are p.m. rush. Your report had 17 we know of

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1 from prior other -- other things that there  
2 were -- 17 and 6 are 23. Exactly what are the  
3 numbers of each category that will be lost --  
4 a.m./p.m. rush and non-rush? Do you have  
5 those numbers?

6 MS. REED: I did. What was it?  
7 16 and 14? I'm looking.

8 MS. KAHLOW: Number of metered  
9 spaces, number of zone 2 spaces, rush, non-  
10 rush.

11 MS. REED: Well, no, I don't have  
12 -- I'm just looking for the --

13 CHAIRPERSON MITTEN: Take your  
14 time.

15 MS. KAHLOW: And these would be  
16 not only from the traffic management plan but  
17 also from the streetscape plan where the -- we  
18 talked about the bump-outs and the mid-block  
19 crossings, bump-outs on 21st/22nd mid-block,  
20 and H Street, etcetera. Have you done that  
21 analysis? is the question.

22 MS. REED: The analysis was

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1 provided by Wells & Associates, and it appears  
2 that I can't put my hand on the exact number.  
3 The numbers were relatively close to the ones  
4 that you referenced. I believe there were 16  
5 metered spaces and 14 RPP spaces.

6 MS. KAHLOW: And those were rush  
7 or non-rush?

8 MS. REED: These were a.m. and  
9 p.m. peak, rush hour only.

10 MS. KAHLOW: And how about non-  
11 rush for the bump-outs and the other stuff?  
12 For the streetscape, the --

13 MS. REED: Yes.

14 MS. KAHLOW: -- for the bump-outs  
15 and the mid-block crossings.

16 MS. REED: No, I don't have a  
17 specific count on that.

18 MS. KAHLOW: Jeff, since we have  
19 the advantage of having Jeff here, are any of  
20 these 30 spaces incompatible with DDOT's  
21 proposed bike lanes on these streets?

22 MR. JENNINGS: Not that I'm aware

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1 of, no.

2 MS. KAHLOW: Aren't these the  
3 exact streets that they're proposing the bike  
4 lanes on?

5 MR. JENNINGS: That's correct.  
6 The bike lanes come out far enough from the  
7 curb that you wouldn't necessarily have to  
8 remove the bike lanes if they were to be  
9 installed. Just for the record -- for the  
10 record, the bike lanes are not installed on  
11 these streets that we're talking about at the  
12 present time. However, if we did remove the  
13 parking spaces for the noted time periods,  
14 that would not have an effect on the bike  
15 lanes, which I think is your point if I'm  
16 correct.

17 MS. KAHLOW: I'm utterly confused,  
18 because that is what your other colleague told  
19 us, that that's what they were going to be  
20 removing during -- for the bike lanes. These  
21 are the same streets -- exact same streets  
22 that they -- GW wants to make changes and DDOT

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1 wants to make changes on. So I'm not sure how  
2 they could not be --

3 MR. JENNINGS: But it's also  
4 important to note, Ms. Kahlow, that Jim  
5 Sebastian, who is the bike pedestrian  
6 coordinator for DDOT, has suggested that the  
7 bike lanes would add an additional give or  
8 take approximately 70 parking spaces  
9 throughout the entire area once the bike lanes  
10 were to be installed.

11 MS. KAHLOW: I'm talking about in  
12 the Foggy Bottom campus area, because as --

13 MR. JENNINGS: As am I, ma'am.

14 MS. KAHLOW: Yes. As you heard,  
15 there were -- DDOT was of the opinion there  
16 was one extra lane, which didn't exist. In  
17 any case, that would be helpful, to get that  
18 analysis -- rush, non-rush, metered, zone 2,  
19 and where they overlap for bike lanes.

20 The other -- in the transcript you  
21 see that we also discussed the -- you  
22 volunteered that DDOT acts on a complaint-

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1 driven system. How many complaints has DDOT  
2 received about GW student parking in the  
3 campus plan area?

4 MR. JENNINGS: Oh, I think that's  
5 something we'd have to go back and research  
6 and provide the Commission on a separate time.

7 MS. KAHLOW: Okay. And we'd like  
8 to know --

9 CHAIRPERSON MITTEN: Just to  
10 follow up on that, do you have complaints  
11 segregated that discretely?

12 MR. JENNINGS: Yes. Thank you for  
13 the followup question. I don't believe that  
14 we would necessarily have a bag that we go and  
15 put -- and pull out GW complaints from. We  
16 don't necessarily --

17 CHAIRPERSON MITTEN: How do you  
18 segregate complaints? Or does it just come  
19 into a central location or --

20 MR. JENNINGS: That's correct.  
21 There is a call center, and there is also the  
22 ability to lodge complaints online at the

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1 dc.government website. Once those complaints  
2 are put into the particular ward where the  
3 complaints are coming from, or going to, then  
4 at that point we -- we have the ability to  
5 pull those complaints or whatever they may be  
6 from that particular ward or from a particular  
7 -- if we can do it with more accuracy in an  
8 area like GW/Foggy Bottom, we would do it. I  
9 don't believe we have that capability, though.

10 CHAIRPERSON MITTEN: If you got a  
11 complaint of the type that Ms. Kahlow  
12 referenced, it would go to somebody to do  
13 something with, right, to follow up on?

14 MR. JENNINGS: That's correct.

15 CHAIRPERSON MITTEN: And who would  
16 that person be?

17 MR. JENNINGS: Well, the person  
18 who handles all of Ward 2, keeping in mind  
19 it's a rather large land area, is a gentleman  
20 by the name of Neral Hawk. He has a staff of  
21 about five individuals who work for him, and  
22 they handle all concerns dealing in Wards 1

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1 and 2.

2 CHAIRPERSON MITTEN: So is it  
3 possible to have either -- Mr. Hawk?

4 MR. JENNINGS: That's correct, Mr.  
5 Hawk.

6 CHAIRPERSON MITTEN: To come and -  
7 - at the subsequent session or to at least --  
8 to provide a written commentary about the  
9 volume, you know, relatively speaking, to the  
10 complaints he has to deal with that are coming  
11 from this area?

12 MS. KAHLOW: Excuse me. And how  
13 they were responded to. I mean, the West End  
14 Citizens Association has been regularly  
15 submitting complaints since 1994 to DDOT on  
16 this campus plan area, regular listings. And  
17 the question is, then, how are they responded  
18 to in this complaint-driven system?

19 CHAIRPERSON MITTEN: Okay.

20 MR. JENNINGS: I think as a  
21 followup to that as well, if Ms. Kahlow is  
22 speaking to the idea of a parking complaint

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1       versus a DDOT policy complaint, I think we  
2       need to also perhaps approach the idea with  
3       parking is handled or the parking enforcement  
4       is handled by Department of Public Works.  
5       It's a completely separate agency in the city  
6       government. So perhaps these --

7                   CHAIRPERSON MITTEN: I think we  
8       had covered that at a previous --

9                   MS. KAHLOW: Yes. And previously  
10      if I asked about the transcript, because  
11      that's my next part, you were going to bring  
12      with you the DPW statistics on the number of  
13      student cars that were ticketed. Did you  
14      bring those along?

15                  MR. JENNINGS: No, we don't have  
16      them with us here tonight. I know that George  
17      Carr has been asked. George Carr is the -- if  
18      I'm correct, he's the interim Director of  
19      Parking Enforcement, or he is the second in  
20      charge behind Terry Adams at the Department of  
21      Public Works Parking Enforcement.

22                  CHAIRPERSON MITTEN: Do you know -

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1 - so it has been -- the information has been  
2 requested and --

3 MR. JENNINGS: That's correct.

4 CHAIRPERSON MITTEN: -- have been  
5 obtained.

6 MR. JENNINGS: That's correct.

7 CHAIRPERSON MITTEN: Okay. Well,  
8 anything that you could do to help clarify Ms.  
9 Kahlow's question --

10 MR. JENNINGS: Be happy to.

11 CHAIRPERSON MITTEN: Okay.

12 MS. KAHLOW: I have one question.  
13 I have not had the benefit of your report  
14 beforehand, and if I could ask about something  
15 in your report, your 9/14 report. I received  
16 it after the hearing. There was a statement,  
17 "There's no indication that students will be  
18 denied parking privileges. DDOT believes a  
19 more stringent policy is needed for first- and  
20 second-year students."

21 And I have two questions. If you  
22 aware of the 2001 written commitment from GW

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1 to restrict freshmen and sophomores living in  
2 the Foggy Bottom/West End area from bringing  
3 cars to school or parking in the Foggy  
4 Bottom/West End area.

5 MR. JENNINGS: We had heard of a  
6 written report. We're not sure of the date of  
7 that written report.

8 MS. KAHLOW: It's not a report.  
9 It was a written commitment, an MOU.

10 MR. JENNINGS: Okay.

11 MS. KAHLOW: A letter, actually.

12 MR. JENNINGS: MOU, letter,  
13 report, we are -- again, we're aware of such  
14 a policy that is in place at the university.  
15 We were just unaware of when it had been dated  
16 or anything -- what form it landed in.

17 MS. KAHLOW: Well, since you said  
18 there was no indication students were denied,  
19 have you subsequently found that any students  
20 were denied, since -- now that you know  
21 there's a policy?

22 MR. JENNINGS: Sure. What we've

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1       come -- what we've come to understand is that  
2       the university, by sitting down and speaking  
3       with DDOT, the university has come to the  
4       understanding that all first-year and second-  
5       year students will be prohibited, and there  
6       will be mechanisms in place to actually keep  
7       first-year and second-year students from  
8       bringing vehicles on campus. That has been  
9       part of our discussion.

10               MS. KAHLOW: Jeff, this is -- it  
11       was an August '01 commitment. The question  
12       is: since August '01, has -- do you know of  
13       any students -- freshmen/sophomores -- that  
14       have been denied parking privileges by the  
15       university?

16               MR. JENNINGS: No, I don't know  
17       that.

18               MS. KAHLOW: Thank you. That's  
19       all I have.

20               CHAIRPERSON MITTEN: Okay. Thank  
21       you. So we'll follow up with you about when  
22       we'd have a subsequent session, and you can

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1 invite Mr. Bah for sure, and Mr. Hawk if that  
2 would be helpful.

3 MR. JENNINGS: Sounds wonderful.  
4 Thank you.

5 CHAIRPERSON MITTEN: Okay. All  
6 right. I think we're --

7 MS. REED: Can I just -- I located  
8 the report that had the specific numbers for  
9 the parking spaces.

10 CHAIRPERSON MITTEN: Oh, sure, put  
11 that on the record.

12 MS. REED: All right. There are  
13 16 metered parking spaces that will be lost,  
14 and 14 zone 2 parking spaces that will be lost  
15 during the p.m. peak, a.m. and p.m.

16 CHAIRPERSON MITTEN: Okay. And  
17 then, Ms. Kahlow had asked a followup question  
18 about the non-peak spaces that would be lost.

19 MS. REED: Which we -- I can't  
20 provide an answer. I just wanted to go on  
21 record for those particular spaces.

22 MS. KAHLOW: And you were going to

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1 provide the base, how many spaces there are in  
2 -- that are metered spaces in the campus plan  
3 area and how many are zone 2, so we know what  
4 proportion would be removed. That was the  
5 other number we're missing from the  
6 transcript.

7 MR. JENNINGS: If I could speak to  
8 that a little bit, since we're part of the  
9 supplement questions here that we're  
10 experiencing. I think when you talk about  
11 approximately 30 spaces in the entire campus  
12 plan area, Ms. Kahlow, the proportion is just  
13 so incredibly low versus, you know, the on-  
14 street parking that's out there, if that kind  
15 of goes to the point of what you're making.

16 MS. KAHLOW: That's a surprise,  
17 but we would like to have the exact number.  
18 That is what we asked last time. It's in the  
19 transcript.

20 MS. REED: We will provide that  
21 answer.

22 MS. KAHLOW: Thank you.

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1 MS. REED: Okay.

2 CHAIRPERSON MITTEN: Okay. I  
3 think we're ready -- thank you both. You'll  
4 be an old pro at this, Ms. Reed, by the time  
5 --

6 MS. REED: I see.

7 (Laughter.)

8 CHAIRPERSON MITTEN: I think we're  
9 ready for rebuttal by the applicant, and then  
10 when we have cross examination of the  
11 applicant we'll have all of the supplemental  
12 documents are -- would then be up for grabs  
13 for cross examination, too.

14 MS. DWYER: Madam Chair, if we  
15 could separate and have the cross examination  
16 on our 9/21 filing, because in the event there  
17 are issues that come up in the questions that  
18 are asked --

19 CHAIRPERSON MITTEN: Okay.

20 MS. DWYER: -- that we need to  
21 respond to in rebuttal, we'd like --

22 CHAIRPERSON MITTEN: That's fair.

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1 MS. DWYER: -- to have a minute to  
2 caucus and decide that.

3 CHAIRPERSON MITTEN: Okay. That's  
4 fair.

5 MS. DWYER: So what I would like  
6 to do is call Mr. Katz up, since he is going  
7 to field the questions regarding our September  
8 21st filing.

9 MS. KAHLOW: I have a technical  
10 question. We have received eight sets of  
11 substantive filings from them since the  
12 hearings. Are we just cross examining on the  
13 September 21st, or all eight?

14 CHAIRPERSON MITTEN: No, anything  
15 that has come in.

16 MS. KAHLOW: Okay. Very good.  
17 thank you.

18 CHAIRPERSON MITTEN: Okay. Mr.  
19 Hitchcock?

20 Well, first, let me see, does the  
21 Commission have any questions? Any questions?

22 (No response.)

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1                   Okay. Sorry. Go ahead.

2                   MR. HITCHCOCK: Thank you, Madam  
3 Chair.

4                   Mr. Katz, good evening. You have  
5 a copy of the September 21st submission there.  
6 I'd like to direct your attention to page 5 of  
7 the document where you're talking about the  
8 limited physical impacts on the Foggy Bottom  
9 campus. This is in the discussion under  
10 condition 10.

11                   The specific question I have --  
12 that that is where you talk about how the need  
13 to travel to campus is greatly reduced by GW's  
14 comprehensive use of the Blackboard at GW  
15 system, as well as branch libraries offered at  
16 Mount Vernon and Loudoun County's campuses,  
17 and books at Gelman can be accessed  
18 electronically. Are you familiar with the  
19 plan?

20                   MR. KATZ: Yes, I am.

21                   MR. HITCHCOCK: Okay. How have  
22 you calculated that the need to travel to

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1 campus has been greatly reduced by the  
2 Blackboard system?

3 MR. KATZ: It's a lengthy answer,  
4 but I'd be glad to answer that.

5 MR. HITCHCOCK: Please.

6 MR. KATZ: If you look at what  
7 percent of time students spend in the  
8 classroom versus the rest of the overall  
9 experiences being part of the university, it's  
10 a small percentage. Let's talk about on a per  
11 credit hour basis. A normal three-credit  
12 course, which is basically a standard, the  
13 amount of classroom time for that is anywhere  
14 from two and a half to four hours. And it  
15 will vary depending on which program that they  
16 might be in.

17 So if you look at a full-time  
18 student of 15 hours, 15 credit hours, which is  
19 typically five three-credit courses -- it can  
20 be in a different format, but you get  
21 basically the same amount of time -- what  
22 you're talking about is somewhere between, you

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1 know, maybe 14 and 16 hours in a week is what  
2 they spend in the classroom time. So if  
3 you're looking at specifically as classroom  
4 time, that in itself is a small proportion.

5 If you look at literally by  
6 practice what is occurring, and, in fact, the  
7 way a lot of the information is obtained  
8 through the libraries is through electronic.  
9 If you look at what Blackboard is, Blackboard  
10 is a course management system that's not only  
11 used at the George Washington University, but  
12 is used at the major institutions throughout  
13 this country.

14 I mean, it literally talks about  
15 the course syllabus. Your course assignments  
16 are brought through there. They have chat  
17 rooms through this whole medium. This is the  
18 way education occurs. That does not take away  
19 that there is no time within the classroom.  
20 Obviously, there is time within the classroom.  
21 But the classroom time is still a small  
22 proportion of the overall time.

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1           If you look at our undergraduate  
2 students, in any given year somewhere between  
3 70 and 80 percent of our undergraduate  
4 students participate in formal programs,  
5 whether it be internship programs or a job  
6 that they may have as part of their overall  
7 experience at the institution.

8           Again, what you're doing is  
9 measuring only one component of this. The way  
10 we measure the primary impact of students is  
11 where they live, and we get this based off of  
12 how we educate them, based off what -- the  
13 technologies that are available, and, in fact,  
14 what came out of the 2000 campus plan. I  
15 think it became abundantly clear to everybody  
16 where students live is important, and that's  
17 one of the reasons why we use the primary  
18 relationship about where the student resides.

19           CHAIRPERSON MITTEN: Can I ask a  
20 followup question to Mr. Hitchcock? Because  
21 I don't know what Blackboard is exactly.

22           MR. HITCHCOCK: Okay. I'd be glad

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1 to explain it.

2 CHAIRPERSON MITTEN: Yes. Little  
3 quick thing.

4 MR. HITCHCOCK: Okay.

5 CHAIRPERSON MITTEN: But also,  
6 like, do you have any just general observation  
7 about how much, you know, it reduces classroom  
8 time by X percent or something? So explain  
9 what it is, and then answer.

10 MR. KATZ: Okay. Blackboard  
11 itself is -- again, it's a course management  
12 system which means the -- the professor,  
13 typically before the semester begins, puts the  
14 course syllabus on there, which means it's an  
15 outline of how the course is going to be  
16 conducted throughout the semester. In fact,  
17 it may even put all of the class -- the course  
18 notes that may be put onto -- on in advance of  
19 the semester, or it may be done in advance of  
20 each -- each class that occurs.

21 It doesn't reduce the time within  
22 the class, but it reduces the additional

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1 activity that goes on relative to what it  
2 takes to complete the course requirements,  
3 meaning you can turn in your homework on that.  
4 There could be chat rooms in there. If there  
5 are class projects and stuff, or if it's the  
6 whole class, or if it's just a group project,  
7 it can actually be done online.

8 That's not saying all of the  
9 things are done online, but a lot of them are  
10 there. So, again, if you look at the  
11 proportion of the student's time, it's not --  
12 the majority of their time is not within the  
13 classroom. That doesn't mean they're not  
14 studying and not doing what it takes to carry  
15 out the course requirements. But the fact is  
16 it's a small percentage of their time that is  
17 -- actually occurs within the classroom  
18 itself.

19 CHAIRPERSON MITTEN: So students  
20 are spending -- they don't have to go visit  
21 the professor face to face as much. They  
22 don't have to see their little study group

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1 face to face. They can do that stuff online.

2 MR. KATZ: Right. And, in fact, a  
3 lot of the office hours with faculty now is  
4 literally done online. It's not done  
5 exclusively online, and literally one of the  
6 things the faculty talked about is this kind  
7 of makes them 24 by 7, because students tend  
8 to ask questions at any time.

9 COMMISSIONER JEFFRIES: And this  
10 isn't germane to GW. I mean, this is  
11 something that is happening pretty much across  
12 the board at many universities.

13 MR. KATZ: Absolutely. We were  
14 actually -- we actually developed our own  
15 courseware product initially a number of years  
16 ago, and we sold that to Blackboard, and  
17 Blackboard is the leader in courseware  
18 products. And the majority of the -- of the  
19 institutions that you would see rated in the  
20 various rating -- at the top levels, the  
21 majority of those institutions use the  
22 Blackboard product.

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1 MR. HITCHCOCK: Well, I guess my -  
2 -

3 CHAIRPERSON MITTEN: Go ahead.  
4 I'm sorry.

5 MR. HITCHCOCK: What I was leading  
6 up towards is, how many trips are reduced as  
7 a result of Blackboard? I mean, I understand,  
8 okay, you can find a syllabus online, you may  
9 be able to e-mail a paper in, you may be able  
10 to find some reading matter. But  
11 realistically, I mean, how many trips are,  
12 say, from students running downtown to pick up  
13 a syllabus? Have you done any calculation of  
14 that?

15 MR. KATZ: No, we have not.

16 MR. HITCHCOCK: Okay. So when you  
17 say -- you're using your words that the need  
18 to travel is "greatly reduced" by GW's  
19 comprehensive use of the Blackboard system,  
20 that's speculation, isn't it?

21 MR. KATZ: No, it isn't.

22 MR. HITCHCOCK: But you don't have

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1 any hard evidence, do you?

2 MR. KATZ: If you look at what  
3 percent of the information students get from  
4 the library electronically, that is --

5 MR. HITCHCOCK: Excuse me. I'm  
6 asking you about Blackboard. Let's stick with  
7 Blackboard. We'll get to the library shortly.  
8 You can't tell us how many trips Blackboard  
9 has saved.

10 MR. KATZ: No, I cannot.

11 MR. HITCHCOCK: Okay. Let's talk  
12 about trips saved by the branch libraries and  
13 Gelman being accessed electronically. How  
14 many trips are saved? Do you have any data on  
15 that?

16 MR. KATZ: The exact calculation,  
17 no, but we can tell you how students use it.

18 MR. HITCHCOCK: Well, I asked you  
19 if you -- so, in other words, the -- again,  
20 the statement that it's greatly reduced is a  
21 guess, speculation.

22 MR. KATZ: No, it is not.

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1                   MR. HITCHCOCK:     But you can't  
2 quantify it, can you?

3                   MR. KATZ:     If you'd like me to  
4 explain my answer, I'd be glad to.

5                   MR. HITCHCOCK:   Well, I --

6                   MR. KATZ:     If you want --

7                   MR. HITCHCOCK:   I asked if you had  
8 -- if you could quantify it, and the answer is  
9 no.   Let me ask, could I answer my own  
10 question?

11                   CHAIRPERSON MITTEN:   Do you have  
12 any empirical data that shows that, for  
13 instance, in proportion to the increased  
14 amount of electronic accessibility to the  
15 library that, like the number of physical  
16 trips to the library, has been reduced just as  
17 a for instance?

18                   MR. KATZ:     I do not have that  
19 myself, but that is the kind of information  
20 that would be available.   As far as who is  
21 traveling within campus, no, we would not,  
22 but, in fact, the percentage of -- of

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1 information that is obtained from the library  
2 is -- electronically is growing exponentially,  
3 because, in fact, most of the information is  
4 available electronically, and most people will  
5 get the information the easiest way possible.

6 And it's not just the notion of  
7 traveling to the library. It's available 24  
8 hours a day, 7 days a week. And we're talking  
9 about college-age students --

10 CHAIRPERSON MITTEN: Right.

11 MR. KATZ: -- who do not have a  
12 problem -- barriers using the computer. If  
13 you're talking about how I might do that --

14 CHAIRPERSON MITTEN: Well, we  
15 understand all that. We understand the  
16 university's position. It's just that we're  
17 trying to see -- to help out Mr. Hitchcock, do  
18 you have anything empirical. And if you  
19 don't, that's fine. And you don't need to  
20 argue your position more. All this is --

21 MR. KATZ: Okay.

22 CHAIRPERSON MITTEN: -- clearly

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1 more reason why I don't want to go back to  
2 school, but --

3 (Laughter.)

4 MR. HITCHCOCK: I'm sure you would  
5 have no problem with it.

6 CHAIRPERSON MITTEN: Go ahead, Mr.  
7 Hitchcock.

8 MR. HITCHCOCK: My next-door  
9 neighbor works for Blackboard, so I have  
10 inside knowledge.

11 Let me ask you, Mr. Katz, about  
12 Exhibit B, if you have that, where you talk  
13 about not simply -- this is on page 2. You  
14 talk not simply about the Foggy Bottom and  
15 Virginia campuses, but education centers at  
16 Alexandria, Arlington, and Newport News. Do  
17 you have that part? Are you familiar with  
18 that discussion?

19 MR. KATZ: Yes.

20 MR. HITCHCOCK: Why does GW not  
21 report the numbers of students at these  
22 institutions in its biennial reports?

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1                   MR. KATZ:    Because they are not  
2                   Foggy Bottom students.

3                   MR. HITCHCOCK:   How do you know  
4                   that?

5                   MR. KATZ:    We know by the -- where  
6                   their classes are.

7                   MR. HITCHCOCK:   Well, do they get  
8                   the right to come to the Foggy Bottom campus?

9                   MR. KATZ:    Yes, they do.

10                  MR. HITCHCOCK:   And events as with  
11                  student discounts and whatever?

12                  MR. KATZ:    You have the right to  
13                  come to the Foggy Bottom campus also.  We do  
14                  not take away students' rights because of  
15                  where they're located.  What we try to do is  
16                  look at --

17                  MR. HITCHCOCK:   Excuse me.  I  
18                  asked whether they get the student discount  
19                  from GW.  This is cross examination, not time  
20                  for filibustering, please, we'll be here all  
21                  night.  Do they get student discounts  
22                  available to students?

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1 MR. KATZ: Not all of the students  
2 would.

3 MR. HITCHCOCK: Okay. So some  
4 would. Do they have an identification card  
5 issued by -- a student ID card issued by  
6 George Washington University?

7 MR. KATZ: I'm sorry. Could you  
8 repeat the question?

9 MR. HITCHCOCK: Do they have a  
10 student identification card issued by George  
11 Washington University?

12 MR. KATZ: One second. Some do,  
13 and some do not. It depends. The students on  
14 the Mount Vernon campus definitely would have  
15 the student identification cards.

16 MR. HITCHCOCK: Excuse me. I'm  
17 asking you about Alexandria, Arlington, and  
18 Newport News.

19 MR. KATZ: Most of the students --

20 CHAIRPERSON MITTEN: If you don't  
21 know, just say you don't know.

22 MR. KATZ: Most of the students

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1 would not have it.

2 MR. HITCHCOCK: Okay. So some  
3 would have IDs as George Washington students.  
4 Do students at these three campuses, are they  
5 entitled to use the Lerner Center if they so  
6 choose?

7 MR. KATZ: No.

8 MR. HITCHCOCK: How about, were  
9 they allowed to use the Smith Center?

10 MR. KATZ: No. To go to an  
11 athletic event, as anybody else can, yes, but  
12 not -- the Smith Center is for intercollegiate  
13 athletics.

14 MR. HITCHCOCK: Right. But  
15 students -- it has an athletic facility, and  
16 students can work out there, correct?

17 MR. KATZ: No.

18 MR. HITCHCOCK: No?

19 MR. KATZ: It's for  
20 intercollegiate athletics.

21 MR. HITCHCOCK: All right. What  
22 is the name of the facility that students use

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1 if they want to run laps, swim laps, whatever?

2 MR. KATZ: Health and Wellness  
3 Center.

4 MR. HITCHCOCK: Health and  
5 Wellness. Okay. And that's the one they get  
6 to use.

7 MR. KATZ: No, they do not get to  
8 use it.

9 MR. HITCHCOCK: Okay. Do they get  
10 -- and they get discounts that are available  
11 to students, to GW students, at events where  
12 such discounts are available?

13 MR. KATZ: If the student does not  
14 have an ID card, they would not be eligible  
15 for any discounts. And most of --

16 MR. HITCHCOCK: Mr. Katz, you  
17 testified --

18 MR. KATZ: -- students would not  
19 have ID cards.

20 MR. HITCHCOCK: Excuse me, Mr.  
21 Katz. You testified that some of the students  
22 do have ID cards. Are these students eligible

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1 for the discounts?

2 MR. KATZ: I answered the  
3 question.

4 CHAIRPERSON MITTEN: Is it fair to  
5 say if you have an ID, you're eligible for the  
6 discount, if you don't have a student ID,  
7 you're not, is that --

8 MR. KATZ: That is correct.

9 CHAIRPERSON MITTEN: Okay.

10 MR. HITCHCOCK: So is it not true,  
11 then, that there are students from Alexandria,  
12 Arlington, and possibly Newport News, who are  
13 coming to the Foggy Bottom campus?

14 MR. KATZ: Ever come to our  
15 campus?

16 MR. HITCHCOCK: We'll start there.

17 MR. KATZ: Sure. I'm sure at some  
18 point they may have come to our campus.

19 MR. HITCHCOCK: For university-  
20 related events.

21 MR. KATZ: We do not --

22 MR. HITCHCOCK: Excuse me. I

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1 asked whether for university events. Either  
2 you know or you don't know.

3 MR. KATZ: What's a university-  
4 related event?

5 MR. HITCHCOCK: Well, how about a  
6 basketball game?

7 MR. KATZ: Our basketball games  
8 are open to the public.

9 MR. HITCHCOCK: And do they  
10 entitle to a student discount to attend?

11 MR. KATZ: I answered the  
12 question. If they do not have a student ID,  
13 they are not eligible for a student discount.

14 MR. HITCHCOCK: So your -- let me  
15 see if I understand your testimony. Your  
16 testimony is that there are students from  
17 these three campuses -- Alexandria, Arlington,  
18 and possibly Newport News -- who have GW  
19 University student IDs, who are entitled to  
20 come to events sponsored by GW on the Foggy  
21 Bottom campus. To take advantage of special  
22 rates offered to GW students, and despite the

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1 fact that they are using the Foggy Bottom  
2 campus, you are not counting them, is that  
3 accurate?

4 MR. KATZ: That is not accurate  
5 what you -- how you characterized it.

6 MR. HITCHCOCK: Well, which point  
7 is not accurate?

8 MR. KATZ: Many points.

9 MR. HITCHCOCK: Well, why don't we  
10 start with one. They have IDs.

11 MR. KATZ: No, I said most of them  
12 --

13 CHAIRPERSON MITTEN: You know,  
14 this is not -- I've got to tell you, this  
15 isn't helpful to the Commission. It's really  
16 not helpful to the Commission. Can you tell  
17 us, either now in a subsequent filing, how --  
18 you said some of the students from Alexandria,  
19 Arlington, Newport News, some have IDs, some  
20 don't. How would -- who's who? How many?

21 MR. KATZ: If they are in a  
22 program that is -- and let's just use Newport

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1 News as an example. If they are in a program  
2 exclusively in Newport News, they would not  
3 have the ID. If they happen to also be  
4 enrolled in a program downtown, they would  
5 have an ID, and they would be counted in our  
6 numbers.

7 CHAIRPERSON MITTEN: Okay. I  
8 think that's enough for this line of  
9 questioning.

10 MR. HITCHCOCK: Okay. Thank you.

11 My next question deals with the  
12 next group of students that you've cited, the  
13 corporate government sites, where you have  
14 some out of town and you have some here in  
15 town?

16 MR. KATZ: That is correct.

17 MR. HITCHCOCK: Okay. And you are  
18 counting those -- you are including those or  
19 excluding those?

20 MR. KATZ: We are excluding them.

21 MR. HITCHCOCK: Okay. Now, these  
22 are students at the following locations --

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1 Walter Reed, Shakespeare Theater, Metro  
2 Transit Police Headquarters, AAAS, and the  
3 Hall of States. These program offerings --  
4 you say they're offered -- are more limited  
5 than those offered at the education centers  
6 described above, is their key towards the  
7 hosting government or corporate institution.  
8 Are any of these -- my question is, to start  
9 off, are any of these students issued ID cards  
10 as GW students?

11 MR. KATZ: If that's what they're  
12 exclusively in, no, they would not.

13 MR. HITCHCOCK: If that is what  
14 they are exclusively in. Well, give me --  
15 could you give an example of what they would  
16 not be exclusively in?

17 MR. KATZ: If a student is taking  
18 a program at a corporate site that is  
19 sponsored by their employer, and they're also  
20 taking a course at the -- at the Foggy Bottom  
21 campus, they will be counted in the Foggy  
22 Bottom head count for when they -- when they

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1 are enrolled in a course at Foggy Bottom. But  
2 if they are exclusively taking the course in  
3 one of these sites, they would not be counted.

4 MR. HITCHCOCK: Okay. And so,  
5 therefore, they don't get any student  
6 discounts or any treatment available only to  
7 GW students.

8 MR. KATZ: That is correct.

9 MR. HITCHCOCK: Okay. Distance  
10 learning students, are any of those in the  
11 metropolitan Washington area?

12 MR. KATZ: They could be.

13 MR. HITCHCOCK: Are they?

14 MR. KATZ: At any given point,  
15 yes, they could be. We don't -- we do not  
16 have our -- our distance education programs do  
17 not state that if you are in Foggy Bottom that  
18 you cannot be a participant in that program.

19 MR. HITCHCOCK: Well, the reason  
20 why I'm concerned -- I mean, they do have  
21 access to the Lerner Center, correct?

22 MR. KATZ: No, they do not.

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1 MR. HITCHCOCK: Okay. All right.  
2 So they don't have IDs, and they're not --

3 MR. KATZ: No, they -- unless they  
4 happen to be enrolled as a regular student  
5 beyond that. You can be in multiple  
6 categories.

7 MR. HITCHCOCK: Okay. Questions  
8 dealing with the continuous enrollment, I  
9 mean, we got testimony last time that these  
10 were only students who were waiting to  
11 graduate and there was only one graduation in  
12 May or June. Those statements were not  
13 correct.

14 MR. KATZ: We corrected that in  
15 our supplemental.

16 MR. HITCHCOCK: I'd like to pursue  
17 a little bit further this continuous  
18 enrollment. You say there we ineligible to  
19 live in university housing and no access to  
20 Lerner, but they have access to Gelman.

21 MR. KATZ: That's correct.

22 MR. HITCHCOCK: How long has GW

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1 had this policy of maintaining students on --  
2 as continuous enrollment if they're waiting to  
3 finish up coursework?

4 MR. KATZ: As long as I'm aware  
5 of. This is not a new category.

6 MR. HITCHCOCK: Okay. Do they  
7 have a George Washington University student  
8 ID?

9 MR. KATZ: They would have had a  
10 GW ID.

11 MR. HITCHCOCK: Well, if I'm  
12 continuous enrollment in spring, this  
13 particular semester, would I have a GW ID?

14 MR. KATZ: The use of it in  
15 specific areas would be turned off, such as  
16 the Health and Wellness Center, but they could  
17 continue to use the library.

18 MR. HITCHCOCK: So the answer to  
19 my question is yes, but it won't get you into  
20 the Lerner Center, but it will get you into  
21 the library.

22 MR. KATZ: We allow anybody to use

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1 our library.

2 MR. HITCHCOCK: Okay.

3 CHAIRPERSON MITTEN: What is the  
4 power of the ID after -- after you get --  
5 after you go on that continuous enrollment?  
6 Is it for discounts?

7 MR. KATZ: For all intents and  
8 purposes, there are no discounts. But the --  
9 the power -- it's an identification card.

10 CHAIRPERSON MITTEN: Okay.

11 MR. KATZ: It's an identification  
12 card. The features behind it are turned off.

13 CHAIRPERSON MITTEN: Okay. And  
14 one of the things that I thought Mr. Hitchcock  
15 was asking you, and perhaps he wasn't but I'd  
16 like to know, is, how long can you be on  
17 continuous enrollment?

18 MR. KATZ: Two semesters.

19 CHAIRPERSON MITTEN: Okay. Thank  
20 you.

21 Go ahead, Mr. Hitchcock.

22 MR. HITCHCOCK: That was my next

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1 question.

2 CHAIRPERSON MITTEN: Okay.

3 MR. HITCHCOCK: Now, I note, Mr.  
4 Katz, that continuous enrollment students were  
5 not counted in your six-month reports in  
6 February of 2003, correct?

7 MS. DWYER: I don't believe the  
8 witness testified as to those compliance  
9 reports.

10 CHAIRPERSON MITTEN: That's not  
11 his real question anyway. What is it?

12 MR. HITCHCOCK: All right.

13 (Laughter.)

14 My real question is this: Mr.  
15 Katz, you've testified the continuous  
16 enrollment program has been around for some  
17 time, and yet in 2003 you were not excluding  
18 continuous enrollment students from the count,  
19 and in 2005 you were. Why?

20 MR. KATZ: We were always  
21 excluding them. It was not always stated on  
22 the report. They were always excluded from

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1 the numbers.

2 MR. HITCHCOCK: So, in other  
3 words, your reports were inaccurate and  
4 misleading?

5 MR. KATZ: No, that is not  
6 correct.

7 MR. HITCHCOCK: Then, why is it  
8 that you only report partial information?

9 MR. KATZ: We were not reporting  
10 partial information. What this is all about  
11 is to bring clarity to the -- to the numbers.  
12 The numbers were accurate. It was not stated  
13 as a specific exclusion, but the numbers were  
14 always taken out of there. We have tried to  
15 improve our reporting as we learn, as we are  
16 working with the District of Columbia.

17 MR. HITCHCOCK: And how on earth  
18 is the Zoning Administrator or anybody  
19 supposed to check on compliance if you don't  
20 provide detailed breakdowns, if you add -- for  
21 example, you're just a new 1C in 2005,  
22 category 1C for continuous enrollment?

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1 CHAIRPERSON MITTEN: I'm just  
2 going to ask him not to answer that question.

3 MR. HITCHCOCK: Okay.

4 CHAIRPERSON MITTEN: I think  
5 that's argumentative and we don't need to do  
6 that.

7 MR. HITCHCOCK: All right. I  
8 mean, the record speaks for itself. GW did  
9 not count these students, and they started  
10 counting them at least in what they reported.  
11 So I will --

12 MS. DWYER: That's not what Mr.  
13 Katz testified to.

14 CHAIRPERSON MITTEN: Let's move  
15 on. Okay?

16 MS. DWYER: That's a  
17 mischaracterization of the record.

18 MR. HITCHCOCK: All right. Well,  
19 the record speaks for itself. We agree it  
20 does.

21 CHAIRPERSON MITTEN: Okay. Let's  
22 just move on to another question.

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1                   MR. HITCHCOCK: All right. A  
2 question with respect to the faculty and  
3 staff. I direct your attention to Exhibit C,  
4 and in particular C-4.

5                   CHAIRPERSON MITTEN: Did you say  
6 C-4?

7                   MR. HITCHCOCK: Yes, ma'am.

8                   CHAIRPERSON MITTEN: Okay.

9                   MR. HITCHCOCK: You refer -- do  
10 you have it, sir?

11                   MR. KATZ: Yes, I do.

12                   MR. HITCHCOCK: Okay. You refer  
13 to regular full-time and part-time staff.  
14 What does "regular" mean?

15                   MR. KATZ: What -- "regular" would  
16 be the standard full-time. I mean, I don't  
17 know what the -- how else I can explain that.

18                   MR. HITCHCOCK: Well --

19                   MR. KATZ: Full-time stuff.

20                   MR. HITCHCOCK: Well, does the  
21 word "regular" add anything?

22                   MR. KATZ: Probably not. It's

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1 just how we refer to it on campus.

2 MR. HITCHCOCK: Okay. I'm just  
3 trying to make sure, because full-time and  
4 part-time staff, I was wondering is there is  
5 irregular or some other category.

6 MR. KATZ: Not on the basis on how  
7 we count, no. It's meant to include everyone.

8 MR. HITCHCOCK: Okay. So it's  
9 surplusage. You talk about ancillary  
10 services. How do you define "ancillary" for  
11 the record?

12 MR. KATZ: We gave examples in  
13 there, such as mail service, food service,  
14 bookstore operations, property management, in  
15 some of our buildings.

16 MR. HITCHCOCK: Are those  
17 examples, or is that an exclusive list?

18 MR. KATZ: At this juncture, that  
19 is -- I believe it is an exclusive list, yes.

20 MR. HITCHCOCK: Have you  
21 contemplated an additional category or  
22 categories that would be deemed ancillary?

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1 MR. KATZ: Yes, there could be.

2 MR. HITCHCOCK: Could you give  
3 some examples?

4 MR. KATZ: We outsourced our  
5 internal audit a few years ago.

6 MR. HITCHCOCK: Was that  
7 considered the core function, or ancillary  
8 before you outsourced it?

9 MR. KATZ: It was never -- it was  
10 not the core function. The core -- the core  
11 functions of the institution are teaching and  
12 research.

13 MR. HITCHCOCK: Well, let me ask  
14 you that, because you then go on to state,  
15 "The university has agreed in the event a core  
16 university function is transitioned from  
17 university to contractor," do you have that  
18 discussion?

19 MR. KATZ: Yes.

20 MR. HITCHCOCK: Can you define  
21 "core university function" as something other  
22 than just teaching and research?

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1           MR. KATZ:  What we were trying to  
2           respond in that is relative to a question that  
3           was asked, and I think it was a fair question.  
4           You wanted to be sure that we could not  
5           outsource all of the employees of the  
6           university.

7           MR. HITCHCOCK:  No, that wasn't  
8           what I was saying.  That's my --

9           MR. KATZ:  I apologize.

10          MR. HITCHCOCK:  We're talking  
11          about outsourcing and these -- if you'll  
12          pardon the expression -- slippery phrases like  
13          "core university function, ancillary," I'm  
14          trying to find out what you mean -- you say,  
15          e.g., student accounts, financial aid,  
16          instructional or research activities.  What  
17          are other core university functions?

18          MR. KATZ:  Okay.  Instructional  
19          and research clearly would be core functions  
20          of the institution.  The student accounts have  
21          to occur by people that are directly employed  
22          by the George Washington University.  No, it

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1 does not.

2 Is our student account operation  
3 done solely by employees of the university  
4 except for some collection activities?  
5 Absolutely. And we are not anticipating  
6 making changes, but we can't say what's going  
7 to happen over the next 20 years. But it's  
8 not --

9 CHAIRPERSON MITTEN: Could you in  
10 a reporting -- in an annual report include  
11 categories of employee by work assignment that  
12 had been -- to get at -- rather than trying to  
13 define this, if we can at least get sort of a  
14 sense of what the status quo is. And then, to  
15 the extent that you would convert a category  
16 of employees from, you know, staff status they  
17 would be employees of the university, too --

18 MR. KATZ: Right.

19 CHAIRPERSON MITTEN: --  
20 contracting that out, then without trying to  
21 figure out what that might be, at least we'd  
22 know there had been a change.

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1 MR. KATZ: Yes.

2 CHAIRPERSON MITTEN: And then, we  
3 could --

4 MR. KATZ: And that's one of the  
5 things that we agreed to do on --

6 CHAIRPERSON MITTEN: Okay.

7 MR. KATZ: -- a going-forward  
8 basis, because we can -- you're correct. We  
9 cannot anticipate it. And some of those  
10 functions have changed over time. There was  
11 a period of time where our IT function was  
12 outsourced, and we brought that back into the  
13 institution. So this can change over time.

14 CHAIRPERSON MITTEN: Okay. So I  
15 think --

16 MR. KATZ: And we will report it.

17 CHAIRPERSON MITTEN: -- shifts.  
18 That would be as helpful as trying to figure  
19 out what these categories are.

20 MR. HITCHCOCK: Yes, another  
21 question. You've used two phrases thus far --  
22 core university function -- and you've given

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1 three or four examples, plus two others. Is  
2 there anything else, any other core university  
3 functions you could think of?

4 MR. KATZ: No.

5 MR. HITCHCOCK: Okay.

6 CHAIRPERSON MITTEN: I just wanted  
7 to make a point. I wasn't suggesting that we  
8 only track core university functions. I'm  
9 saying --

10 MR. KATZ: Entirety. I understood  
11 your question.

12 CHAIRPERSON MITTEN: Okay.

13 MR. HITCHCOCK: That was where I  
14 was leading next. I mean, you've used two  
15 terms -- core university function and  
16 ancillary -- what else is there? Presumably,  
17 non-core university functions?

18 CHAIRPERSON MITTEN: But I think  
19 we've solved it. We --

20 MR. HITCHCOCK: Okay. They'll  
21 submit it?

22 CHAIRPERSON MITTEN: If we track a

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1 shift, it doesn't matter. They could be --  
2 you know, it could be --

3 MR. HITCHCOCK: Okay.

4 CHAIRPERSON MITTEN: -- something,  
5 you know, some third category. It doesn't  
6 matter.

7 MR. HITCHCOCK: Okay.

8 CHAIRPERSON MITTEN: If there is a  
9 shift backwards or forwards from employee to  
10 contractor or contractor to employee, we can  
11 track it by category.

12 MR. HITCHCOCK: Yes. But concern  
13 has been, you know, that there is no breakdown  
14 in particular categories. And as we found out  
15 a moment ago, you have no idea whether  
16 continuous enrollment counted or not until  
17 years after the matter is filed.

18 MR. KATZ: That is not true.

19 MR. HITCHCOCK: Well, I beg to  
20 differ. You don't disclose it. You --

21 CHAIRPERSON MITTEN: Okay. We're  
22 not going to debate. We're just --

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1 MR. HITCHCOCK: That's fine.

2 CHAIRPERSON MITTEN: I understand  
3 Mr. Hitchcock's point, and now he's going to  
4 ask you a different question.

5 MR. HITCHCOCK: I am, and it deals  
6 with condition 16, this one.

7 CHAIRPERSON MITTEN: Okay.

8 MR. HITCHCOCK: It's on page 8 of  
9 the report.

10 MR. KATZ: Page 8?

11 MR. HITCHCOCK: Yes, sir. I'm in  
12 particular asking about the statement that you  
13 have towards the top. I'm sorry, in the  
14 middle, the third bullet point.

15 MR. KATZ: Okay.

16 MR. HITCHCOCK: The statement  
17 there in the third bullet point that -- where  
18 the university verifies a student is engaged  
19 in misconduct, 100 percent of these students  
20 were subjected to university disciplinary  
21 action. Does that mean there was an actual  
22 sanction imposed, or were they just brought up

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1 before a hearing body?

2 MR. KATZ: Charles Barber will  
3 respond on that.

4 MR. BARBER: The range of  
5 disciplinary actions are listed there in the  
6 bullet points beneath that, and they do range  
7 according to what -- what is appropriate for  
8 that particular act of misconduct, taking into  
9 account a number of facts.

10 MR. HITCHCOCK: So the answer to  
11 my question is that, yes, when you say 100  
12 percent sanctions were imposed on the 100  
13 percent, this isn't just students who were  
14 brought before a hearing.

15 MR. BARBER: That's correct.

16 MR. HITCHCOCK: Okay. Now, let me  
17 ask you this, you -- on page 9, either Mr.  
18 Katz or Mr. Barber, you give some data about  
19 2004 and '05, and then 2005 and '06, where you  
20 indicate that disciplinary actions were meted  
21 out in 126 out of 144 incidents. Do you know  
22 how many of those involved multiple

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1 disciplinary actions for the same incident or  
2 concern?

3 MR. BARBER: For -- against the  
4 same student?

5 MR. HITCHCOCK: Well, no. I mean,  
6 for example, I mean, it looks like there is a  
7 fairly high ratio of disciplinary actions to  
8 concerns, and I was wondering whether that is  
9 the case, or whether it was one incident with  
10 four students, all of whom are disciplined.

11 MR. BARBER: These are by persons.  
12 They're not by incident.

13 MR. HITCHCOCK: I understand that.  
14 And I'm asking that -- whether there could be  
15 multiple disciplinary actions in a number of  
16 these cases. I mean, this could be, for  
17 example, to take an absurd hypothetical, it  
18 could be two incidents with 62 disciplinary  
19 actions apiece, correct?

20 CHAIRPERSON MITTEN: Do you  
21 understand what he's asking?

22 MR. BARBER: Not exactly, no.

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1                   CHAIRPERSON MITTEN: Is it -- if  
2                   there is multiple students involved in a  
3                   single incident --

4                   MR. BARBER: Okay.

5                   CHAIRPERSON MITTEN: -- so one  
6                   incident could generate 10 --

7                   MR. BARBER: Right.

8                   CHAIRPERSON MITTEN: -- do you  
9                   have any sense of whether these are -- it's  
10                  one disciplinary action per incident, or  
11                  whether there are multiple actions arising  
12                  from the same incident? Do you have anything  
13                  on that?

14                  MR. BARBER: I could get some  
15                  clarification from other people who are here.

16                  MR. HITCHCOCK: Yes.

17                  MR. BARBER: As I thought, they --  
18                  we'd like to provide that data. We do it a  
19                  couple of different ways, so I think we need  
20                  to look at it and provide that data.

21                  CHAIRPERSON MITTEN: What are the  
22                  couple of different ways?

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1           MR. BARBER: Well, it could be  
2 based upon the date and there is one incident  
3 that date that involved multiple parties, or  
4 it could be I think in some instances it's  
5 tracked by the number of individuals. And so  
6 I would want to be clear before we respond.  
7 I think we need to look at that.

8           CHAIRPERSON MITTEN: Okay.

9           MR. HITCHCOCK: Yes, that's fine.  
10 We're just trying to find out what -- how  
11 effective the system is --

12          CHAIRPERSON MITTEN: Sure.

13          MR. HITCHCOCK: -- as a percentage  
14 of the concerns reported.

15                 All right. On the same -- and I  
16 take it your -- again, your testimony, Mr.  
17 Barber, is that there was a sanction imposed  
18 in each one of those cases, of the 126 --

19          MR. BARBER: Eight.

20          MR. HITCHCOCK: -- and then 115.

21          MR. BARBER: A disciplinary  
22 action.

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1 MR. HITCHCOCK: Right, a sanction.

2 MR. BARBER: No, you're using  
3 "sanction." I am using "disciplinary action."

4 MR. HITCHCOCK: Well, why don't  
5 you explain. I thought a disciplinary action  
6 was one of the half a dozen or so matters that  
7 you're -- you itemized.

8 MR. BARBER: That's right.

9 MR. HITCHCOCK: From a letter on  
10 up.

11 MR. BARBER: That's correct. And  
12 the sanctions, which involve serious  
13 misconduct and involve a hearing before a  
14 student judicial board, it is a -- is a subset  
15 of disciplinary actions.

16 MR. HITCHCOCK: Okay. I was using  
17 "sanction" generically to include anything  
18 from warning letter on up. But there was  
19 something; it wasn't just being dragged before  
20 a body. Okay.

21 Do you have data? You mentioned  
22 there were several recidivist incidents,

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1 repeat discipline. Do you have --

2 MR. BARBER: A small number, yes.

3 MR. HITCHCOCK: Well, do you have  
4 information as to what disciplinary action was  
5 taken in those multiple incidents?

6 MR. BARBER: I know what our  
7 practice is. I don't know what happened in  
8 those specific cases, no.

9 MR. HITCHCOCK: Is that something  
10 that could be provided?

11 MR. BARBER: Yes.

12 MR. HITCHCOCK: Okay. I have no  
13 further questions.

14 CHAIRPERSON MITTEN: Okay.

15 MR. BARBER: With one caveat. Of  
16 course, we will not be identifying the  
17 student.

18 MR. HITCHCOCK: Of course. Fine.

19 CHAIRPERSON MITTEN: All right.  
20 Ms. Kahlow, this is on the September 21st  
21 submission or the other things that have come  
22 in.

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1 MS. KAHLOW: What I'd like to do  
2 is go submission by submission, page by page,  
3 in order, instead of order of importance. It  
4 will be easier for everyone I think.

5 So the first submission was  
6 September 21st. I have just a little bit of  
7 clarification on condition 16 that Mr.  
8 Hitchcock was just asking about, and maybe I'm  
9 just a little dense here. On page 8, the  
10 submission says that those incidents where the  
11 university was able to verify the GW student  
12 was engaged in misconduct, 100 percent of  
13 those students were subjected to university  
14 disciplinary action.

15 On page 9, it says there were 144  
16 students in 2004 through '05 and 215 in 2005  
17 through '06. Were these in the 100 percent,  
18 or are these different numbers? Or what is  
19 the 100 percent? How many students are  
20 involved?

21 MR. BARBER: These were the 100  
22 percent. These were disciplinary actions that

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1 were imposed, where we were able to identify  
2 specific conduct tied to specific students.

3 MS. KAHLOW: So 359 students?

4 CHAIRPERSON MITTEN: Just a sec.  
5 Just a sec. I think you're talking about two  
6 different things. Ms. Kahlow, you were  
7 referring to the numbers on page 9, the 126  
8 and the 115. Those are the disciplinary  
9 actions that Mr. Barber just spoke to. But I  
10 think you were actually asking about the  
11 numbers on page 8, which is the "concerns"  
12 that have been --

13 MR. BARBER: Oh, I see.

14 CHAIRPERSON MITTEN: -- received.

15 MS. KAHLOW: How many of the  
16 concerns -- thank you very much, Chair Mitten  
17 -- of the 144 concerns and the 215 concerns  
18 are in the 100 percent that were subject to  
19 disciplinary action? How many of those 359  
20 were in the 100 percent? How many students  
21 were in the 100 percent?

22 CHAIRPERSON MITTEN: That goes to

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1 Mr. Hitchcock's question about -- I think the  
2 concern, as I think we understood it, was like  
3 an incident. So --

4 MR. BARBER: So we have to clarify  
5 that with --

6 CHAIRPERSON MITTEN: Exactly.  
7 That will be clarified I think with the  
8 additional submission.

9 MS. KAHLOW: So, in other words,  
10 it's not all -- my numbers -- the 359 is not  
11 359 students, then.

12 MR. BARBER: It may not, if we're  
13 tracking by incidents. It could be more than  
14 one student that --

15 MS. KAHLOW: But it's a minimum of  
16 359. No.

17 MR. BARBER: I think we'd have to  
18 address that --

19 MS. KAHLOW: Okay.

20 MR. BARBER: -- really, in follow  
21 up.

22 MS. KAHLOW: You're going to do

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1 it. Okay. Let's go to number 21, condition  
2 21, on the next page, streetscape, page 9. In  
3 your submission you say many of the elements  
4 will be paid exclusively by the university,  
5 including benches and other GW-specific  
6 things, such as building identifiers,  
7 emergency call stations, campus maps, banners,  
8 and buses -- those are GW only. And others  
9 are public, such as sidewalk, paving, street  
10 lighting, and trees, may be allocated among  
11 the university, DDOT, as appropriate others.

12 One, how many public benches? And  
13 what is GW's estimate for its dollar  
14 contribution for this public amenity? That's  
15 the only one of that list that's public.

16 MR. BARBER: We do not have that  
17 calculation.

18 MS. KAHLOW: Okay. Part of --  
19 we're going to go through all of this, and  
20 since I can't figure out what the amenity  
21 offer is, I don't how the Commission is going  
22 to be able to. So I'm now going to ask the

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1 next one. What's GW's estimate for its dollar  
2 contribution for the shared public amenities,  
3 including sidewalk, paving, street lighting,  
4 and trees? What's the dollar offer of this  
5 amenity?

6 MR. KATZ: We do not have that  
7 precise number.

8 MS. KAHLOW: Can you provide  
9 either of those numbers for the record?

10 MR. KATZ: At this time, no.

11 CHAIRPERSON MITTEN: I think it's  
12 an important point, which is about quantifying  
13 the commitment on the part of the university  
14 as it relates to the streetscape plan. So I  
15 think it would be worthwhile you developing  
16 specifically what you're committing to  
17 provide.

18 MR. KATZ: One of the difficulties  
19 of this -- this is over a 20-year period, and  
20 it depends on when the buildings are built and  
21 the other conditions are surrounding it. We  
22 understand, as we develop a project, we're

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1 going to pay for the amenities on there. But  
2 if we built a building today, or built the  
3 building 15 years from now for the exact same  
4 amenities, it would be a very different issue.

5 That's why -- the way we've tried  
6 to deal with it is talk about what we  
7 understand are our obligations, and what may  
8 -- depending on the circumstances may be joint  
9 obligations. It may be entirely university  
10 obligations. I think it really depends on the  
11 circumstances.

12 If we build a building, we have to  
13 provide the streetscape around that, and that  
14 is at the expense of the university, and --

15 CHAIRPERSON MITTEN: Okay. But I  
16 guess in terms of fleshing it out for the  
17 streetscape plan for the campus overall --

18 MR. KATZ: Right.

19 CHAIRPERSON MITTEN: -- like how  
20 would you see -- I understand maybe you  
21 couldn't say exactly how many benches right  
22 now.

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1 MR. KATZ: Right.

2 CHAIRPERSON MITTEN: How would you  
3 proceed to deliver on the amenity commitment?  
4 I understand if you build a building, that's  
5 an easy one. But what about carrying this  
6 through the campus? What would your phasing  
7 plan be, and how would that be implemented?  
8 I think anything you could -- you could  
9 provide that would guide it -- you know,  
10 because one of the criticisms that you've  
11 heard is that, you know, we have to wait so  
12 long for everything, and when will we see it?  
13 If you could say, "We would deliver it on, you  
14 know, the following schedule."

15 MR. KATZ: Okay. This was meant  
16 to be delivered as we develop the various  
17 projects. And it would be done in conformity  
18 with this, if you're referring to the  
19 streetscape plan. We're not saying that if  
20 DDOT wanted to do something in an area of our  
21 campus that we would not participate in it,  
22 but we're not aware of what their plans are

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1 going to be over time.

2 This is the way we would do the  
3 streetscape for our campus, and it would be  
4 delivered as we are developing the various  
5 areas.

6 CHAIRPERSON MITTEN: Just bear  
7 with me for a second. If at the end of 20  
8 years --

9 MR. KATZ: Right.

10 CHAIRPERSON MITTEN: -- it would -  
11 - the goal would be that there would be this  
12 consistent streetscape, right, as proposed in  
13 the streetscape plan?

14 MR. KATZ: Correct.

15 CHAIRPERSON MITTEN: Okay. So,  
16 but not every place in the campus is going to  
17 have a new building constructed. So it can't  
18 be exclusively that the trigger would be a new  
19 building. So what is the trigger for the  
20 delivery? Do you see what I'm saying?

21 MR. KATZ: Yes, it was the  
22 building.

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1                   CHAIRPERSON MITTEN:    But what if  
2                   in a given block you're not going to build  
3                   something?  How will we get to the vision at  
4                   the end of 20 years where the streetscape is  
5                   consistent?

6                   Rather than try and sort all this  
7                   out, I think you can make the statement later.  
8                   But we need to either have a schedule for  
9                   delivery of the streetscape plan throughout  
10                  the campus, or you need to have a different  
11                  presentation about what the amenity really is,  
12                  because if the trigger is building a new  
13                  building, you're not going to have that  
14                  trigger heading all over campus.  So just a  
15                  clarification of what you're offering.

16                  MS. DWYER:  We will clarify that.  
17                  And if you look at condition 21, we don't have  
18                  a final streetscape plan now.  So part of the  
19                  problem is we haven't gotten the final plan  
20                  with DDOT.  That will be something that will  
21                  be subsequent to the hearing.  We can give  
22                  ballpark numbers, and I think it's fair to say

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1 that the majority of the streetscape, because  
2 of the number of development sites, would be  
3 associated with the building. But we will  
4 look at those areas where there is not a  
5 building and provide that for the record.

6 CHAIRPERSON MITTEN: Okay. Thank  
7 you.

8 MS. KAHLOW: I thank you so much  
9 for helping with this. I still am a little  
10 dense. There is an existing campus plan that  
11 we're in the middle of that has a streetscape  
12 plan. And I can't figure out where the  
13 overlap is. How much of this was supposed to  
14 have been done in the old one?

15 And maybe if we had numbers for  
16 what happened in 2001, what was GW's dollar  
17 contribution for streetscape, what happened in  
18 2002, what happened in 2003, happened in --  
19 then we actually could have some concrete  
20 information instead of this "what ifs."

21 CHAIRPERSON MITTEN: Well, I think  
22 the difference, if I may -- and then I'll ask

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1 Ms. Dwyer or Mr. Katz to chime in -- if I  
2 remember correctly, is there was no delivery  
3 schedule for the streetscape plan.

4 MS. KAHLOW: Exactly.

5 CHAIRPERSON MITTEN: So in this  
6 case we have this opportunity because it is,  
7 as you noted, an amenity that's being offered  
8 is to say, "Well, the amenity has to be  
9 delivered." I think it was more a guide that  
10 -- what was in or what is in the existing  
11 campus plan. So --

12 MS. KAHLOW: Well, I can't figure  
13 out the overlap, because so many of these  
14 things are in the old one. And the question  
15 is: what part has been done in each of the  
16 years so far, the current campus plan, what  
17 part is left, what's new? And, I mean, if we  
18 could at least figure out what this meant so  
19 far, and what it means in the future, that  
20 would be very helpful.

21 MS. DWYER: I think we can address  
22 what it means in the future. We're not going

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1 to go back and try and figure out, you know,  
2 what --

3 MS. KAHLOW: Can you do the  
4 overlap? Because I'm going to ask --

5 MS. DWYER: No.

6 MS. KAHLOW: -- the Zoning  
7 Administrator about it. I can't figure it  
8 out. And since he's trying to interpret this,  
9 we need to know what -- it looks like this is  
10 the same thing. We've already seen most of  
11 it.

12 MS. DWYER: This is a new campus  
13 plan with new building sites and a new  
14 streetscape plan. We will address that for  
15 the record.

16 CHAIRPERSON MITTEN: I think the  
17 point is is that, a) the streetscape plan in  
18 the existing campus plan was not proffered as  
19 an amenity. If the community wants to make a  
20 case that some of what's being proffered  
21 already exists, that would be a point to be  
22 made. I don't know if it's true or not. But

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1 if you feel that some of it has already been  
2 constructed, and so it -- it's actually not as  
3 substantial an amenity as might be suggested,  
4 that's a point you can make certainly.

5 MS. KAHLOW: Well, I -- the reason  
6 I was going to ask the Zoning Administrator is  
7 because it is in the current campus plan order  
8 that the BZA issued. It is a progress report  
9 on the implementation of the streetscape plan  
10 required by condition 7. And then, condition  
11 8 says they had this plan, and it was  
12 proffered earlier. The university should  
13 prepare a detailed streetscape plan  
14 applicable, dah, dah, dah, dah, dah, to the  
15 entire area.

16 CHAIRPERSON MITTEN: Is there --  
17 can you point to a section of the -- I'm going  
18 to tell you the whole question -- point to a  
19 provision in the existing campus plan order  
20 that requires delivery of any of the  
21 streetscape elements in the streetscape plan?  
22 That's the distinction.

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1 MS. KAHLOW: The distinction,  
2 which I -- the first one is 7, is there's  
3 going to be one. And then, there is a  
4 requirement for a report every year on how --  
5 the progress report on how they've done  
6 everything that was required under condition  
7 7. So --

8 CHAIRPERSON MITTEN: That's my  
9 point, that there's a progress report, but  
10 there's no -- there's no requirement to  
11 deliver anything. It's just that -- that  
12 there was -- the only thing to be delivered  
13 was a plan, not an implementation of the plan.

14 MS. KAHLOW: But I'm saying -- I  
15 understand that. That's why I said if we  
16 found out what they did in '01, '02, '03, '04,  
17 '05, '06, year to date, we'd understand if  
18 this is actually a meaningful thing.

19 CHAIRPERSON MITTEN: Okay. So  
20 what you're asking for is the progress report  
21 --

22 MS. KAHLOW: Yes.

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1 CHAIRPERSON MITTEN: -- that's  
2 required by --

3 MS. KAHLOW: Yes, and I'm going to  
4 be asking how many --

5 MR. BARBER: And we've provided  
6 that.

7 CHAIRPERSON MITTEN: Okay.

8 MR. BARBER: We've provided that  
9 with every campus plan filing.

10 CHAIRPERSON MITTEN: Okay.

11 MR. BARBER: And in short, we have  
12 prepared a plan, and went through several  
13 rounds of discussions with the Office of  
14 Planning, and then we were waiting on feedback  
15 from Department of Transportation. And that  
16 took -- consumed, really, and truly through no  
17 fault of the university -- several years. And  
18 we got to the point in discussions with Office  
19 of Planning, well, let's -- that was never  
20 accepted and approved, let's start all over,  
21 let's incorporate this in the new plan. And  
22 so we've --

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1 MS. KAHLOW: Okay. Are you saying  
2 none of it has been done?

3 MR. BARBER: We never had an  
4 approved plan. We've done some streetscape,  
5 but we never had an approved plan from the  
6 District of Columbia.

7 CHAIRPERSON MITTEN: I think I  
8 understand it now.

9 MS. KAHLOW: I understand it now,  
10 too.

11 CHAIRPERSON MITTEN: Great.

12 MS. KAHLOW: That's why I couldn't  
13 get it. I read one and read the other, and  
14 they all looked like the same thing to me.

15 Okay. Let's go to the second  
16 document, which was --

17 COMMISSIONER PARSONS: Excuse me,  
18 Ms. Kahlow. I wanted to go back to your  
19 original question.

20 MS. KAHLOW: Okay. Sorry.

21 COMMISSIONER PARSONS: And your  
22 original question was: how much is this going

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1 to cost?

2 MS. KAHLOW: Absolutely.

3 COMMISSIONER PARSONS: And --

4 MS. KAHLOW: How much is GW's  
5 share?

6 COMMISSIONER PARSONS: -- I think  
7 that's a valid question.

8 MS. KAHLOW: How much is GW's  
9 share?

10 COMMISSIONER PARSONS: And  
11 certainly you must have some square footage  
12 cost for what it takes to do a linear foot or  
13 whatever from your design team, what it costs  
14 to do a linear foot of landscape improvements,  
15 right?

16 MR. BARBER: And that's a  
17 calculation I think we said we would provide.

18 MS. DWYER: And that's the  
19 information we will provide. It would be  
20 today's value.

21 COMMISSIONER PARSONS: Oh, yes, of  
22 course.

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1 MS. DWYER: We can't say in 15  
2 years what the cost would be, but we could --

3 COMMISSIONER PARSONS: Okay.

4 MS. DWYER: -- provide an estimate  
5 in today's value.

6 COMMISSIONER PARSONS: Very good.  
7 Thank you.

8 MS. KAHLOW: Thank you for that  
9 clarification.

10 So that was the first document.  
11 The next document was -- I call it number 2.  
12 It was a September 25th handout that we all  
13 received a copy from the university -- a copy  
14 of a letter to the ANC from Lou Katz to Vince  
15 Micone. And I had a question. It says about  
16 --

17 MS. DWYER: Madam Chair, I object.  
18 These are materials that were in connection  
19 with our cross examination. The opportunity  
20 to question Mr. Katz was at the first hearing,  
21 and this is -- this line of questioning was  
22 specifically to address the September 21st

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1 supplemental submission.

2 MS. KAHLOW: So all these other  
3 supplemental submissions we can't ask  
4 questions --

5 CHAIRPERSON MITTEN: Let me -- can  
6 I -- first of all, I'd like to find this one.

7 MS. KAHLOW: It's on April 6, '06.

8 CHAIRPERSON MITTEN: Okay. Let's  
9 hear the question, and then we'll --

10 MS. KAHLOW: It's just one  
11 question. It said -- it was talking about  
12 their Friends meetings. Several Commissioners  
13 attended a long -- the monthly Friends  
14 meetings. And of the six Commissioners, how  
15 many is the "several," since "several" is four  
16 or five? I just wanted to understand this,  
17 since it was proffered as though the Friends  
18 --

19 CHAIRPERSON MITTEN: So you're  
20 asking Mr. Katz what did he mean by "several"  
21 in his --

22 MS. KAHLOW: Yes.

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1 CHAIRPERSON MITTEN: -- April 6,  
2 2006, letter --

3 MS. KAHLOW: Yes.

4 CHAIRPERSON MITTEN: -- to Chair  
5 Micone.

6 MS. KAHLOW: Yes.

7 CHAIRPERSON MITTEN: Do you see  
8 that in the first line there, Mr. Katz?

9 MS. KAHLOW: Well, it's in the  
10 middle.

11 CHAIRPERSON MITTEN: It's the  
12 opening line of the letter, "As you are aware,  
13 over the past several years."

14 MS. DWYER: And, again, I would  
15 object. This is a letter that we used in  
16 cross examining the ANC as --

17 CHAIRPERSON MITTEN: Okay.

18 MS. DWYER: -- to whether or not  
19 they had ever formed an advisory committee.  
20 It was not part of his direct testimony, and  
21 it was not a submission for the subject of  
22 cross examination.

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1                   CHAIRPERSON MITTEN: Okay. Let me  
2 just ask --

3                   MS. DWYER: It was used for a very  
4 limited purpose.

5                   CHAIRPERSON MITTEN: Okay. Let me  
6 just ask, have you consistently tried to form  
7 the advisory committee since the campus plan  
8 was approved by the BZA?

9                   MR. KATZ: Yes, we have.

10                  CHAIRPERSON MITTEN: Okay.

11                  MS. KAHLOW: That was not at all  
12 what I was asking, but that's fine. What I  
13 was trying to understand is this Friends  
14 meeting that's -- that is in all their  
15 documents as though it represents somehow the  
16 major body of the community, and that's the  
17 only place I've been able to see that they  
18 said several of the six, and I'm unaware of  
19 who the several are, how many of the six.  
20 Otherwise, there has been a misrepresentation  
21 of what Friends is, and I thought it would be  
22 helpful if we knew.

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1 CHAIRPERSON MITTEN: We're looking  
2 at the wrong reference.

3 MS. DWYER: Well, if it references  
4 to Commissioners of the ANC who attended the  
5 Friends meetings, then the question should be  
6 asked of the ANC Commissioners who were up  
7 here when they testified.

8 MS. KAHLOW: Actually, it was --  
9 it was a Katz submission from you, but that's  
10 all right, that was the question I had to ask.

11 Now, the next one is a letter --  
12 submission on September 28th from Mr. Katz  
13 also, and it's to me and to Sarah Maddox. And  
14 since I am -- I myself am not the ANC, perhaps  
15 I can ask that. I don't know if you want me  
16 to or not.

17 CHAIRPERSON MITTEN: What's the  
18 question?

19 MS. KAHLOW: This has to do with  
20 student -- two of them. One has to do with  
21 student parking. The university published the  
22 language on student parking, appropriate

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1 university documents. Which published  
2 documents?

3 MS. DWYER: Is this a letter  
4 that's in the record?

5 MS. KAHLOW: Yes, it's -- you gave  
6 it to us for the record.

7 CHAIRPERSON MITTEN: May I see it?

8 MS. KAHLOW: Yes, of course.

9 CHAIRPERSON MITTEN: Say the date  
10 again.

11 MS. KAHLOW: September 28th is  
12 when I received it, and its date is September  
13 28th.

14 MR. KATZ: It was given to them.  
15 It's not part of the record.

16 MS. KAHLOW: Oh. It was just  
17 given to us, not part of the record.

18 MS. DWYER: It's not part of the  
19 record.

20 MS. KAHLOW: All right. Well,  
21 there is a wonderful thing in here that we'll  
22 ask the Zoning Administrator about, and --

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1 MS. DWYER: I would object. The  
2 witness is not here to be deposed about any  
3 correspondence or letters that are outside the  
4 record.

5 CHAIRPERSON MITTEN: I would agree  
6 with that.

7 MS. KAHLOW: I didn't realize it  
8 wasn't in the record.

9 CHAIRPERSON MITTEN: Okay.

10 MS. KAHLOW: When I was handed it,  
11 I assumed it was, so I'm sorry about that.

12 CHAIRPERSON MITTEN: Let's move  
13 on.

14 MS. KAHLOW: All right. The next  
15 one is a September 28th document that was  
16 called "Summary of Rebuttal Testimony." Now,  
17 is that document in or not?

18 MS. DWYER: This is the material  
19 that we're presenting tonight. We assumed at  
20 the last hearing that we would present our  
21 rebuttal testimony. So as a courtesy, we gave  
22 all of the parties advance copies of it. In

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1 fact, we did not present the testimony, so it  
2 was not filed in the record with the  
3 Commission. But the parties have had it, and  
4 we will be presenting on that very shortly.

5 MS. KAHLOW: And then, we'll be  
6 able to ask cross examination on that?

7 CHAIRPERSON MITTEN: That is  
8 correct.

9 MS. KAHLOW: Okay. So that one we  
10 can't ask. The next two I don't care about.  
11 And then, I have another document. Let's see,  
12 it's dated October 4th. And since it went to  
13 Ms. Mitten, I assume it's in the record. It's  
14 the proposed conditions form. Can I ask you  
15 about this, since it's in the record? It's  
16 your document.

17 MS. DWYER: Right. I think each  
18 of us were asked to provide our written  
19 conditions for the Zoning Administrator. But,  
20 again, that was not to be the subject of  
21 tonight's hearing, and to call everybody up to  
22 cross examine them on their conditions.

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1 MS. KAHLOW: Well, my question is:  
2 when can I ask about these documents? Because  
3 there is new material in here that we have not  
4 seen previously. And I just wondered when we  
5 --

6 CHAIRPERSON MITTEN: Let me just -  
7 - I just want to find out, you know, because  
8 we had a -- we had a -- what do I want to call  
9 it? We had an unproductive little section of  
10 our -- of one of our hearings where you were  
11 basically, you know, debating with the  
12 university or trying to elicit conditions out  
13 of the university. So if you are seeking  
14 clarity that would help the Commission  
15 understand, that would be fine. If you want  
16 to debate something with the university, then  
17 --

18 MS. KAHLOW: No, I really --

19 CHAIRPERSON MITTEN: -- we'd ask  
20 you to do that.

21 MS. KAHLOW: I really understood  
22 your admonition previously and what I tried to

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1 do is, by page, come up with specific  
2 questions to see what they meant.

3 CHAIRPERSON MITTEN: Okay. Let's  
4 try them out and see how we do.

5 MS. KAHLOW: Okay. On Exhibit A  
6 to the October 4th --

7 MS. DWYER: What --

8 MS. KAHLOW: Oh, you need to get  
9 it. Okay.

10 MR. KATZ: Okay.

11 MS. KAHLOW: Okay. Everybody has  
12 -- Lou, do you have it?

13 MR. KATZ: Yes.

14 MS. KAHLOW: Okay. Exhibit A,  
15 page 10, relating to number 7. Let's see if  
16 I have my own typo here. Exhibit A relating  
17 to proposed condition 11. It's on page 10B.  
18 "The university has agreed that in the event  
19 that a core university function is  
20 transitioned from university employee to  
21 contractor status, the university include an  
22 estimate of the number of affected employees."

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1 And Mr. Hitchcock just asked a bunch of  
2 questions on that.

3 And what I'm unclear about is, in  
4 this event, is GW agreeable to reducing  
5 downward the current staff caps? That was the  
6 whole series of questions.

7 CHAIRPERSON MITTEN: I understand.

8 MR. KATZ: No.

9 MS. KAHLOW: Oh, I see. So you --  
10 well, that's -- okay. Let's go to the -- also  
11 in Exhibit A, page 13, number -- let's see,  
12 relating to historic preservation -- what is  
13 the distinction between the proposed condition  
14 of "as submitted" and then your remark about  
15 "as filed" -- are they the same thing, "as  
16 filed" and "as submitted"?

17 And if, in fact, the Commission  
18 makes any changes, will GW walk away from its  
19 commitment to submit six individual landmark  
20 applications in its support of an historic  
21 district? That's what I can't figure out --  
22 what this condition means.

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1 MS. DWYER: You're going to have  
2 to break that question down and --

3 MS. KAHLOW: Oh, okay. I'll ask  
4 it slower. Okay. In your slightly amended  
5 condition --

6 CHAIRPERSON MITTEN: Which one  
7 again? I'm sorry.

8 MS. KAHLOW: -- 20 --

9 CHAIRPERSON MITTEN: Which page?

10 MS. KAHLOW: Condition 20, page  
11 13.

12 CHAIRPERSON MITTEN: Oh, okay.  
13 Sorry.

14 MS. KAHLOW: The updated proposed  
15 condition, there is an initial condition and  
16 an updated condition. Okay? Under the  
17 updated one it says, "The updated proposed  
18 conditions set forth the university's  
19 commitment for implementation of the historic  
20 preservation plan in the event the campus plan  
21 is approved as filed."

22 And the question is: if the

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1 Commission makes any changes -- as submitted,  
2 as filed, I think that means the same thing --  
3 will -- makes any changes whatsoever to what  
4 was filed or submitted, is GW walking away  
5 from its commitment to submit six individual  
6 landmark applications in its support of an  
7 historic district? That's what I couldn't  
8 understand by this "submitted" and "filed"  
9 language.

10 MS. DWYER: Well, I was just going  
11 to say, Madam Chair, I think that issue was  
12 addressed in our direct testimony, and it was  
13 clear that the historic district is  
14 conditioned upon the university being able to  
15 use certain development sites. So if there  
16 are changes to development sites, changes to  
17 the plan, it affects the historic district.

18 So there cannot be a commitment  
19 other than what has been filed. The  
20 university would have to go back and  
21 reevaluate how that changed the historic  
22 district, and that was all part of our direct

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1 testimony.

2 CHAIRPERSON MITTEN: And I guess I  
3 just -- just to understand it completely, is  
4 that -- how strictly -- how strictly do you  
5 mean the "as filed" or "as submitted" to be  
6 interpreted? So you spoke to, you know, well,  
7 there's some -- you know, there's sort of the  
8 core of the proposal, which turns on the  
9 ability to get certain sites rezoned and to  
10 have this higher level of density and to have  
11 approval for various development sites. And  
12 then, there's a bunch of other stuff, too.

13 MS. DWYER: Yes.

14 CHAIRPERSON MITTEN: So how --

15 MS. DWYER: To go back to the  
16 substantial compliance, strict compliance, and  
17 literal compliance, obviously, there are some  
18 changes that have occurred over the course of  
19 the hearing, and we have proposed changes to  
20 certain conditions and features.

21 So we're not saying that it was,  
22 you know, absolutely what we filed in the

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1 beginning, and if it changes at all. But what  
2 we are saying is the intent of this is that  
3 the university cannot designate historic sites  
4 and create a historic district if it does not  
5 know that it can achieve its development on  
6 the other sites.

7 CHAIRPERSON MITTEN: Right. Okay.

8 MS. DWYER: And that's the --

9 CHAIRPERSON MITTEN: And just so  
10 that you understand, Ms. Kahlow, is the -- in  
11 a PUD, the Commission has to vote the  
12 amenities, and that is --

13 MS. KAHLOW: I understand.

14 CHAIRPERSON MITTEN: -- an  
15 amenity. We vote it up or down, so --

16 MS. KAHLOW: I do understand.

17 CHAIRPERSON MITTEN: -- sometimes  
18 we don't vote, and we encourage people to go  
19 off and do some other things. But, you know,  
20 at the end of the day, we have to vote on  
21 what's proffered, so --

22 MS. KAHLOW: I understood what the

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1 Commission does. What I didn't understand is  
2 GW's intent, and it's similar to the next one,  
3 number 21, the streetscape. We have the same  
4 as submitted/as filed business.

5 And the question is: if the  
6 Commission makes changes to the streetscape  
7 plan or anything else, will GW walk away from  
8 any part of its financial contribution for the  
9 public amenities in its streetscape plan? I'm  
10 trying to understand what the amenities are  
11 being proffered for this PUD.

12 MS. DWYER: And I think what we  
13 can say is that there are going to be post-  
14 hearing submissions. There is going to be a  
15 draft order. In that draft order we can make  
16 clear what the commitments are and what the  
17 changes are, and we'll address all of these  
18 issues at that time.

19 CHAIRPERSON MITTEN: Okay.

20 MS. KAHLOW: That's very helpful.  
21 So the rest of my things relate to the stuff  
22 that they're going to talk about today, and

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1 then I'll ask those after --

2 CHAIRPERSON MITTEN: Great.

3 MS. KAHLOW: -- if you would allow  
4 me time to do so.

5 CHAIRPERSON MITTEN: Okay.

6 MS. KAHLOW: Thank you.

7 CHAIRPERSON MITTEN: Now I think  
8 we're ready for rebuttal.

9 MS. DWYER: Okay. Can we just  
10 have a three-minute break, just to see --

11 CHAIRPERSON MITTEN: Sure.

12 MS. DWYER: -- if there's anything  
13 else that came up that we need to add to our  
14 rebuttal?

15 CHAIRPERSON MITTEN: Sure.

16 MS. DWYER: Thank you.

17 (Whereupon, the proceedings in the  
18 foregoing matter went off the  
19 record at 8:24 p.m. and went back  
20 on the record at 8:30 p.m.)

21 CHAIRPERSON MITTEN: Please go  
22 ahead.

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1 MS. DWYER: All right. For our  
2 rebuttal testimony we have four witnesses --  
3 Sherry Rutherford, Charles Barber, Marty  
4 Wells, and Matt Bell -- and we tried to  
5 contain our rebuttal to 15 minutes. We're  
6 providing you copies of the materials, and as  
7 I mentioned earlier we had provided copies of  
8 these materials to the opposition parties at  
9 the last hearing. And there are additional  
10 documents tonight that we will be submitting  
11 in the record, and we have copies for  
12 everyone. So I would just ask Sherry  
13 Rutherford to start.

14 MS. RUTHERFORD: Good evening.  
15 For the record, again, my name is Sherry  
16 Rutherford, and I'm the Managing Director of  
17 Real Estate Planning and Development at the  
18 George Washington University.

19 I appreciate the opportunity to be  
20 here tonight to clarify a few issues with  
21 respect to the community-based planning  
22 process which led to the development of the

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1 proposals that are before you tonight.

2 As we have indicated previously,  
3 the planning process has been, from its very  
4 start, open, transparent, and inclusive.  
5 Interested stakeholders, including members of  
6 the community, have had access to all  
7 information and resources, not only through  
8 the numerous open community meetings we've  
9 held, but through office hours with the  
10 facilitator and architect team, the  
11 neighborhood website, as well as direct access  
12 to university administrators.

13 Personally, I have never turned  
14 down a request for a meeting, whether it be  
15 for an established community group such as the  
16 West End Citizens Association, a student  
17 group, a local church, business or  
18 institution, or even one individual community  
19 member. The planning process has been widely  
20 publicized, and all meetings publicly noticed  
21 in the current newspapers and also on the  
22 Foggy Bottom alert list service.

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1           In addition, letters were sent  
2 directly to ANC Commissioners, members of the  
3 Board from the West End Citizens Association  
4 and the Foggy Bottom Association, the Friends  
5 group, and the Foggy Bottom/West End Business  
6 and Professional Association, inviting  
7 participation in all planning sessions held  
8 throughout the summer and fall of 2005, as  
9 well as the community meetings that we've held  
10 more recently to discuss historic preservation  
11 plan and the streetscape plan.

12           The binder which we're submitting  
13 this evening for the record includes meeting  
14 notices, agendas, presentations, and meeting  
15 summaries from the various community meetings  
16 which have been convened since May of 2005.  
17 There have been some questions raised in the  
18 proceedings as to the scope of this community-  
19 based planning process, and it has been  
20 specifically suggested that the process was  
21 focused only on square 54.

22           As you will see from the submitted

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1 materials from the very earliest stages of  
2 this process, including the first formal  
3 community presentation on May 4, 2005, it was  
4 very clear that the scope of the planning  
5 effort was broader than square 54 and included  
6 future campus development as well.

7 For example, in that May 4, 2005,  
8 presentation, the very first Powerpoint  
9 presentation in your binders, Vice President  
10 Katz clearly set forth the university's  
11 forecasted space needs of approximately  
12 500,000 square feet for student housing and  
13 1.5 million square feet for additional  
14 academic use.

15 Mr. Katz further indicated that we  
16 would not be able to accommodate those  
17 projected space needs under the existing  
18 campus plan, and that we would need to work  
19 with members of the community and the District  
20 to determine the appropriate way to  
21 accommodate those needs.

22 The issues exhibit as well, which

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1 is also included in the binder, reflects this  
2 broad approach. Of the six main topics  
3 included in the issues exhibit, only one  
4 addresses square 54. The rest are broader  
5 campus development issues.

6 Collectively, these materials  
7 clearly demonstrate the university's intent to  
8 comprehensively address issues regarding the  
9 future of the Foggy Bottom campus in the  
10 context of the surrounding neighborhoods, not  
11 just square 54, from the very beginning of  
12 this planning process. Any assertion to the  
13 contrary is just simply not true.

14 Thank you.

15 MR. BARBER: Good evening. My  
16 name is Charles Barber. I'm going to address  
17 student conduct issues. GW takes allegations  
18 of student misconduct very seriously. We  
19 haven't solved the problem. We have made  
20 great efforts, and we have a commitment to  
21 continue those efforts going forward.

22 What progress has been made?

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1 Well, it starts at orientation. When students  
2 get here, we sit them down with their parents  
3 and talk about what's expected -- what kind of  
4 good conduct is expected of them. The  
5 university police department makes a separate  
6 presentation covering some of the same  
7 information.

8 When they enter into our  
9 dormitories there's another meeting which  
10 talks about these kinds of behavioral issues.  
11 And it's repeated periodically during the  
12 year. You've heard about the hotline. We  
13 spent a lot of time getting the word out about  
14 our hotline. We put it in our publications,  
15 Jack Evans' newsletter. We've made  
16 presentations.

17 We've made offers to make a  
18 presentation to the Foggy Bottom Association.  
19 They declined our offer. They did publish our  
20 materials in their newsletter. I just wish  
21 they hadn't published the letter right beside  
22 it that urged their members not to use the

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1 hotline. I just don't think that was  
2 particularly helpful.

3 The university police department  
4 is professional and well trained. Just this  
5 past spring GW became one of the few colleges  
6 and universities in the nation to have their  
7 police departments certified by the Commission  
8 of Accreditation for Law Enforcement Agencies,  
9 and that required a comprehensive review of  
10 systems, policies, and training

11 Our system, though, depends upon  
12 use by the community and feedback. If we have  
13 problems, we need to hear back beyond just  
14 responding to individual calls. We have a  
15 core group, and it consists of the university  
16 -- the chief of university of police, the Dean  
17 of Students, two offices we've created -- the  
18 Office of Student -- Off-Campus Student  
19 Affairs, the Office of Foggy Bottom and West  
20 End, District of Columbia Affairs, myself --  
21 we meet monthly, we go over the data we've  
22 gotten on complaints, and we brainstorm about

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1       how to respond to some of the more difficult  
2       issues.

3                 We also look at the data a little  
4       bit more comprehensively. So we take a week's  
5       data, and we see where the complaints are  
6       coming from during that week, times of the  
7       day, days of the week, areas. We persuaded  
8       the university to hire additional police  
9       officers to form a neighborhood action team,  
10      and we assigned those specially-trained  
11      officers to those problem areas to reduce the  
12      reaction time, which we've heard about, and  
13      also to provide a deterrent effect.

14                We've looked at this same data  
15      over the course of a year, and so we know at  
16      certain times of the year we get additional  
17      complaints. And so we try to react  
18      proactively -- try to act proactively and get  
19      information out a week ahead of time,  
20      reminding students again of their obligations  
21      to be good neighbors. And also, we sponsor  
22      programs on campus, on that particular day,

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1 that don't involve alcohol to provide a kind  
2 of alternative social function, through  
3 activities that are going on that night that  
4 may be more problematic.

5 Does GW impose harsh discipline  
6 where it's warranted? Yes, it does. You've  
7 heard how we have a progressive discipline,  
8 that it varies depending upon the  
9 circumstances. We have a low recidivism rate,  
10 first of all. I mean, if we have any kind of  
11 involvement with a student on a disciplinary  
12 basis, warning on up, we find that the  
13 recidivism rate is very low. In 2004/'05,  
14 there were only three; in 2005/'06, there are  
15 only two repeat offenders.

16 We do impose suspensions and  
17 expulsions where it's warranted, sometimes  
18 first offenses if it's warranted. In  
19 2004/'05, six students were suspended, and  
20 three expelled for -- this is just for off-  
21 campus conduct. '05/'06, one was expelled and  
22 three were suspended. Not all of these came

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1 through the hotline, but they all involved  
2 off-campus conduct.

3 What things have we not done that  
4 we would have liked to have done? There's  
5 one. The authority of the university police  
6 department is limited under District of  
7 Columbia law. They can only act on university  
8 property, and that presents a problem for a  
9 campus like Foggy Bottom or even a Howard  
10 University that doesn't have well defined  
11 boundaries and has public streets running  
12 through it.

13 We brought this to the attention  
14 of this Commission at a previous PUD case, and  
15 we proffered that we would go to the D.C.  
16 Council to try to get this law changed, and we  
17 followed through. Council Member Paz had  
18 introduced a bill.

19 I went down with the Chief of  
20 Police. We testified and support the bill.  
21 Unfortunately, some of the members who -- some  
22 of the people who oppose this application also

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1 testified against that bill to expand the  
2 jurisdiction, not of just GW police but of  
3 university police generally.

4 The Council took no action, and,  
5 unfortunately, the bill died at the end of  
6 that legislative session. That would have  
7 been helpful. We hope perhaps to be able to  
8 come back to it at a different time.

9 Finally, how would this plan  
10 improve the situation? It would do so in two  
11 ways. One, with bringing undergraduates back  
12 to campus or discontinuing the off-campus  
13 residence hall for undergraduates. It's not  
14 a panacea, because they're on campus. But we  
15 -- it does allow us more control. It allows  
16 us greater monitoring.

17 We have a number of activities --  
18 small group and otherwise -- to keep the  
19 students occupied. So that's a -- I think  
20 that's a better control mechanism. And we  
21 hope that with greater participation with the  
22 Advisory Committee that's another way we can

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1 get feedback. We're already talking to not  
2 only the Friends group but the property  
3 managers in various apartment buildings and  
4 others to get feedback. With the Advisory  
5 Committee, we think that will work better.

6 At the end of the day, this is a  
7 problem that all universities around the  
8 country are grappling with. We don't have one  
9 single bullet. There's no one program that's  
10 going to solve the issue. But we do have a  
11 commitment to work with the community to  
12 continue to improve this effort for the  
13 benefit of the entire community.

14 Thank you.

15 MR. WELLS: Good evening. I'd  
16 like to address three points. Firstly, at the  
17 Commission's request, we did evaluate the  
18 traffic impacts of increasing the combined  
19 faculty and staff population to a head count  
20 of 12,529, which is the maximum permitted  
21 under the existing and the proposed campus  
22 plans.

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1           We, as instructed, did present  
2           that to DDOT last week. We offer that -- a  
3           summary of that analysis to the Commission to  
4           this evening in Exhibit A. What we concluded  
5           is that the impact of the faculty/staff growth  
6           over the next 20 years could be mitigated by  
7           further mitigation measures, including traffic  
8           signal timing changes at another four  
9           additional intersections, restricting curb  
10          parking during peak periods at three  
11          additional intersections, installing another  
12          new traffic signal, and implementing  
13          appropriate TMP measures.

14                 Second point, regarding second  
15          stage PUD applications, it's important to bear  
16          in mind that the specific traffic mitigation  
17          measures will again be evaluated with each  
18          second stage PUD application, to ensure that  
19          -- the actual impacts of specific new  
20          developments. And any changes to the then  
21          current traffic conditions are appropriately  
22          taken into account.

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1           This will allow the staged  
2 implementation of appropriate measures as they  
3 are needed. I think by way of perspective  
4 this is particularly important as we talk  
5 about traffic signal changes of a few seconds  
6 one way or another 20 years hence. It's  
7 appropriate to reevaluate these at each second  
8 stage PUD application.

9           With regard to the transportation  
10 management plan, or TMP, the university has  
11 continued to work with DDOT, as you heard  
12 earlier this evening, to explore potential TMP  
13 measures that could be implemented over the  
14 term of the campus plan.

15           These additional measures, which  
16 are detailed, again, in Exhibit A, include  
17 designation of a transportation management  
18 coordinator who would be responsible for  
19 implementing and monitoring the TMP, continued  
20 promotion of various technology initiatives,  
21 including video conferencing -- I love this  
22 one -- pod casts, online library resources,

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1 and the Blackboard online course management  
2 system that you heard spoken to earlier this  
3 evening, as well as administrative document  
4 management systems, which these things  
5 combined could reduce the need for physical  
6 travel between the Foggy Bottom and other GW  
7 campuses.

8 There also is a truck management  
9 program, which minimizes adverse impacts on  
10 the surrounding neighborhoods. And, again, I  
11 would draw your attention to Exhibit A.

12 MR. BELL: Good evening. At the  
13 request of Commissioner Parsons, the  
14 university has provided photographs that  
15 depict the existing built environment in the  
16 vicinity of the development sites proposed to  
17 be rezoned to C-3-C, and in one case to C-4,  
18 and demonstrate the appropriate context for  
19 the proposed rezoning.

20 And I have those three boards  
21 here, and they're also in the package that  
22 show key locations where the pictures are

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1 taken, and the tall buildings that are in the  
2 area where the rezoning is being requested.  
3 So we have those blown up here as well. So we  
4 can leave these for inspection as well, so the  
5 Commission can use them and refer to them.

6 COMMISSIONER PARSONS: Excuse me.  
7 Mr. Bell, you said they're in the package.

8 MS. DWYER: They're at B.

9 COMMISSIONER PARSONS: Oh, thank  
10 you.

11 MR. BELL: Sorry. So these three  
12 sets of photos should be helpful.

13 At the request of Commissioners  
14 Turnbull and Mitten --

15 MS. DWYER: Mr. Bell, would you  
16 just sort of -- would you just walk through  
17 those and --

18 MR. BELL: Oh, sure.

19 MS. DWYER: -- point out the  
20 sites.

21 MR. BELL: Well, here we're  
22 showing -- this is a view of the area around

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1 H Street looking down towards 21st and looking  
2 back from 20th Street and Gelman Library and  
3 the back of 2000 Penn, and the taller  
4 buildings along on H Street and 22nd. So it  
5 shows the context there of the rezoning area  
6 that's being requested at the intersections of  
7 -- roughly at the intersections of 22nd and H.

8 This one shows, really, along I  
9 Street and also looking at I Street really  
10 between 22nd and 21st, and also H between 22nd  
11 and 21st, the view of the West End and the  
12 height of those buildings, the buildings  
13 looking from Kogan Plaza out to the north side  
14 of H Street there.

15 There's one more. And this one is  
16 really looking at squares 55 and 56 viewed  
17 down 23rd from I Street, showing the medical  
18 school, also the taller buildings around  
19 square 75, and the view down H Street showing  
20 the parking structure, of course, that is  
21 planned to go away in the campus plan, and the  
22 area around -- also around this area where the

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1 proposed heights and zoning change would  
2 permit buildings up to 110 feet.

3 COMMISSIONER JEFFRIES: Mr. Bell,  
4 can you point to square 55 on the photo to the  
5 left? Is it the --

6 MR. BELL: Square 55 is this side  
7 here.

8 COMMISSIONER JEFFRIES: Just --  
9 okay.

10 MR. BELL: It's that side. Any  
11 other questions on these?

12 (No response.)

13 Okay. At the request of  
14 Commissioners Turnbull and Mitten, GW  
15 submitted additional information on  
16 sustainable planning and development  
17 principles that are embodied in the campus  
18 plan. I would like to take a few minutes to  
19 summarize that submission, which we intend to  
20 include in the final version of the campus  
21 plan document.

22 From its earliest stages, the

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1 comprehensive community-based planning effort  
2 which resulted in the Foggy Bottom campus plan  
3 2006/2025, has been aimed at developing a plan  
4 for the future of the Foggy Bottom campus in  
5 the context of its surrounding neighborhoods.

6 In doing so, the plan provides an  
7 approach to future campus development that is  
8 in many ways consistent with sustainable  
9 development and neighborhood planning  
10 principles advanced by the U.S. Green Building  
11 Council, the Congress for the New Urbanism,  
12 and the Natural Resources Defense Council.

13 Over the past several years, these  
14 organizations have come together in an effort  
15 to draft a national set of neighborhood  
16 planning standards proposed within the lead  
17 framework, based on combined principles of  
18 smart growth, urbanism, and green building.

19 While these proposed standards  
20 currently remain in draft form, they provide  
21 instructive concepts upon which to evaluate  
22 planning components already embodied in the

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1 proposed campus plan, that indeed promote  
2 sustainable development practices. Examples  
3 of elements set forth in the lead neighborhood  
4 developments rating system preliminary draft  
5 issued last September 6, 2005, which had  
6 particular relevance with respect to the  
7 proposed Foggy Bottom campus plan 2006/2025  
8 include -- and I want to just touch on a few  
9 in the categories of location, efficiency,  
10 environmental preservation, and compact,  
11 complete, and connected neighborhood.

12 Location efficiency talks about  
13 promoting public health by encouraging new  
14 development and locations that provide  
15 existing -- opportunities for walking, so the  
16 campus plan is very much focused on walking  
17 and promoting walkability from the streetscape  
18 plan to the location of buildings. It also  
19 values adjacent in-fill or previously  
20 developed sites, and encouraging development  
21 within existing communities and already  
22 developed places.

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1           Of course, the Foggy Bottom campus  
2 plan does that as well. It's developing in  
3 places where there already is -- are  
4 buildings. It's not building in places where  
5 there aren't.

6           So promoting access to public  
7 spaces, which is in the document, the lead  
8 document as well, and the university values  
9 continuing to provide public access to  
10 gathering spaces such as Kogan Plaza,  
11 University Yard, and the I Street Mall. And,  
12 of course, the inventory of new public spaces  
13 with the Town Center at I Street and 23rd is  
14 another space that will add to that and adds  
15 a great public space for the community.

16           The document also goes on to talk  
17 about diversity of uses, promoting community  
18 liveability, transportation efficiency, and  
19 walkability. And we feel that the  
20 implementation of the I Street corridor  
21 concept and the commercial mixed use  
22 development of square 54 will indeed provide

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1 neighborhood-serving retail to the Foggy  
2 Bottom/West End community as well as provide  
3 a diversity of new housing in the neighborhood  
4 that wouldn't be possible if square 54 wasn't  
5 developed as a mixed use project. And, of  
6 course, indeed, housing diversity is another  
7 point that this lead document talks about in  
8 terms of good neighborhood development.

9 It also values reduced parking  
10 footprint. We are reducing stormwater by  
11 getting rid of parking lots and encouraging  
12 walkability by putting parking underground and  
13 not overbuilding parking. And, of course, the  
14 campus plan provides for the elimination of  
15 the above-grade university parking garage and  
16 the construction in the future of underground  
17 parking facilities.

18 And, finally, one of the most  
19 important points that is a commitment of the  
20 university as part of this is the reuse of  
21 historic buildings, encouraging the use of  
22 historic buildings in a manner that preserves

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1 their historic materials and character. And,  
2 of course, a lot has been talked about, but  
3 really part of this broader planning effort,  
4 GW has worked with the D.C. Preservation  
5 Office and the Review Board to develop a  
6 comprehensive historic preservation plan for  
7 the campus.

8 And this collaborative and  
9 coordinated approach to preservation and  
10 planning is aimed at ensuring that appropriate  
11 campus resources are identified, preserved,  
12 and maintained for the future, and the  
13 document that we've submitted spells this out  
14 in more detail.

15 In conclusion, I think we can say  
16 that given the substantial commitments and  
17 planning components included in the campus  
18 plan, which are directly related to the  
19 sustainable developing and planning principles  
20 -- that is to say, historic preservation, the  
21 streetscape plan, and the accommodation of  
22 offstreet campus parking in underground

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1 facilities -- as well as the long-term nature  
2 of the plan and the uncertainty of  
3 development-related costs and changes in  
4 standards moving forward, the campus plan does  
5 not include specific commitments to particular  
6 building design elements that will be included  
7 in future development.

8           However, the university will  
9 continue to evaluate and balance the  
10 incorporation of sustainable design elements  
11 with respect to individual development process  
12 -- projects, excuse me -- during the second  
13 stage PUD review process.

14           Thank you.

15           CHAIRPERSON MITTEN: Thank you.

16           MS. DWYER: Let me just add that  
17 in addition to the oral testimony we provided  
18 written materials, and in response to specific  
19 requests, and I just wanted to call out some  
20 of those.

21           In Exhibit D, we provided  
22 information on the zoning, the SP-2 zoning to

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1 demonstrate that the university's commitment  
2 not to acquire residential properties in fact  
3 covers all of the apartment buildings adjacent  
4 -- in the adjacent areas to the campus.

5 We have also provided information  
6 on the number of GW alumni who live in the  
7 area. We provided information on the proposed  
8 Metro rail entrance, a second entrance, and  
9 the fact that this campus plan will in no way  
10 preclude or prohibit a second Metro entrance.  
11 We provided more information on the kind of  
12 accessory retail that the university would  
13 like to include throughout the campus.

14 And as Mr. Bell just mentioned, we  
15 also include as Exhibit F the design  
16 guidelines that the university has worked out  
17 with the Historic Preservation office to guide  
18 all projects on its campus, including those  
19 within the historic district. And we are --  
20 these witnesses are available to answer  
21 questions about any of the materials.

22 CHAIRPERSON MITTEN: I just had --

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1 I just have a question right off the bat about  
2 in Exhibit A we have the -- Exhibit A has an  
3 Exhibit A, which is the truck management plan,  
4 and then Tab -- or Exhibit E is the truck  
5 management plan again.

6 MS. DWYER: It's a duplicate, yes.

7 CHAIRPERSON MITTEN: But I think  
8 we're missing some of what you said is  
9 included. I don't see anything about where  
10 alumni live, and --

11 MS. DWYER: The information on the  
12 alumni is in the body of the document, not a  
13 separate exhibit.

14 CHAIRPERSON MITTEN: Okay.

15 MS. DWYER: So if you go on page 3  
16 of the cover memo --

17 CHAIRPERSON MITTEN: Oh, I see.  
18 Okay.

19 MS. DWYER: -- it indicates the  
20 number of alumni. Likewise, on page 4, it  
21 describes the accessory retail, so some of the  
22 material are exhibits and some are --

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1 CHAIRPERSON MITTEN: Okay. Just  
2 wanted to make sure that --

3 MS. DWYER: Yes.

4 CHAIRPERSON MITTEN: -- there  
5 wasn't supposed to be a different Exhibit E.

6 MS. DWYER: Okay.

7 CHAIRPERSON MITTEN: Questions  
8 from the Commission? Any questions?

9 (No response.)

10 Mr. Turnbull, you look like you  
11 have a question.

12 COMMISSIONER TURNBULL: Thank you,  
13 Madam Chair. Quickly scanning through the  
14 last section here on -- or this section -- I  
15 guess it's Exhibit C where it talks about  
16 sustainable design, and the comment was just  
17 made about a reduction. We talk about parking  
18 and walkability, but I guess I'm looking on C-  
19 1, we talk about reduction in automobiles.  
20 But if I look on C-4, and I'm reading under  
21 reduced parking footprint, I just want to --  
22 I guess maybe I'm not -- maybe I'm missing

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1 something.

2 You said no more than 20 percent  
3 of the project land devoted to residential  
4 and/or commercial use is for surface parking  
5 facilities. It's a surface parking lot? 20  
6 percent of the total land is going to be for  
7 --

8 MR. BELL: This in italics is what  
9 the lead category describes, and underneath  
10 that is our text describing how the campus  
11 plan responds to the --

12 COMMISSIONER TURNBULL: But is  
13 your goal 20 percent of the surface land?

14 MR. BELL: No.

15 COMMISSIONER TURNBULL: Could you  
16 better restate what your goal is going to be?

17 MS. RUTHERFORD: Our goal is the  
18 elimination of all surface parking, moving all  
19 parking below grade.

20 MR. BELL: Just below grade.

21 COMMISSIONER TURNBULL: Okay. All  
22 right. Then, I guess -- all right. Maybe

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1 it's my reading of this and the way it's  
2 phrased.

3 MS. RUTHERFORD: And, again, the  
4 italicized and bulleted points are the  
5 standards within the lead document, and then  
6 the text below is our response to those  
7 issues.

8 COMMISSIONER TURNBULL: Okay. I  
9 guess -- I guess what bothers me a bit is I --  
10 is things like on page C-6, no specific  
11 commitments, continue to evaluate and balance.  
12 That says we'll look at it if we can afford it  
13 -- or we can think about it, we're going to do  
14 it.

15 I mean, you want a 20-year master  
16 plan. I think you've got to make a commitment  
17 to some sustainable design and some principles  
18 here. I mean, when it says "no specific  
19 commitments," and you're going to evaluate and  
20 balance, I don't know, that just sounds like  
21 there's not -- it's like a half-hearted  
22 attempt to go down the road for a master plan

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1 to involve in a complete integration of  
2 sustainable design within the master plan.

3 I mean, I think there ought to be  
4 more of a sincere commitment as to what you're  
5 going to do. I mean, if you're going to  
6 proffer a sustainable design, I mean, I hear  
7 the buzz words, you talk the talk, but I don't  
8 see in the language here that you're going to  
9 walk the walk and actually invest in  
10 sustainable design and what you're going to do  
11 in infrastructure for the community.

12 I mean, this is a significant 20-  
13 year master plan, and I think that the  
14 community owes something about the integration  
15 of sustainable design within the fabric of  
16 what you're going to be presenting.

17 MR. KATZ: I believe I fully  
18 understand the question. What we've hoped to  
19 do in here is there are, we believe, are a  
20 number of specific commitments that we are  
21 making here, including talking about the  
22 parking which is at great expense to put it

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1 all below ground. What we're trying to do in  
2 that is say we are open to other things beyond  
3 the specific commitments that we are making  
4 here.

5 We're not saying we're making  
6 specific commitments and nothing else could  
7 occur. So, again, it does not cover  
8 everything possible, and that we agree and  
9 understand what your concern is. But what  
10 we're trying to do is say we are open. There  
11 are a number of specific commitments that are  
12 in here that are at great expense.1

13 CHAIRPERSON MITTEN: I think what  
14 Commissioner Turnbull is driving at is we --  
15 you know, we want it to be a little bit more  
16 -- given that this is setting a framework for  
17 future applications in a second stage, could  
18 you make a more concrete -- not saying that  
19 any given building is going to have any given  
20 components, but that you'll, for instance --  
21 I'm not intending to put words in your mouth,  
22 but I'm trying to give you an example. That

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1 each second stage application will make  
2 specific -- or will integrate specific design  
3 components to address -- to be environmentally  
4 sensitive or address green building  
5 principles.

6 And then, at that point in time,  
7 we could say, "Well, what have you done?" And  
8 saying, well, we're going to have insulated  
9 windows. Well, that's too -- you know,  
10 everybody does that now, but maybe we'd be  
11 looking for like a green roof or something  
12 like that, or to commit to doing green roofs.  
13 We're looking for something other than just  
14 like, yes, we're open to it.

15 So just -- so that when the  
16 additional applications come in for second  
17 stage approval that we could say, "Well, we --  
18 you actually made the commitment and here's  
19 how you're making good on the commitment in  
20 different ways, but that you made a more  
21 substantial commitment other than, 'Yes, we're  
22 interested in that.'" So just for you to

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1 consider.

2 MR. KATZ: Okay.

3 CHAIRPERSON MITTEN: Is that fair?

4 MR. KATZ: That's very fair.

5 CHAIRPERSON MITTEN: Okay.

6 MR. KATZ: Thank you.

7 CHAIRPERSON MITTEN: Anyone else?

8 Mr. Hitchcock?

9 MR. HITCHCOCK: I only have  
10 questions for Mr. Wells, so --

11 CHAIRPERSON MITTEN: Okay, great.  
12 Mr. Bell might set back. Ms. Kahlow might  
13 have questions, so don't wander off. I don't  
14 think Mr. Hitchcock is going to do bodily harm  
15 to Mr. Wells.

16 (Laughter.)

17 Oh, I see. It's about the  
18 microphone.

19 MR. HITCHCOCK: He wants to sit  
20 next to his lawyer I guess. Okay. We're  
21 willing to share. We're very collaborative in  
22 Foggy Bottom.

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1           Mr. Wells, I just had a couple of  
2 questions. On page 3 of the summary of  
3 rebuttal testimony, the bullet points, I had  
4 a question -- this is about the traffic signal  
5 at 22nd and I. The second bullet point, do  
6 you have it, sir?

7           MR. WELLS: Yes.

8           MR. HITCHCOCK: Okay. The second  
9 bullet point says, "None of the mitigation  
10 measures proposed in the traffic impact  
11 analyses are required under existing  
12 conditions," are you referring there just to  
13 22nd and I, or are you making a broader  
14 statement?

15           MR. WELLS: I believe it's related  
16 to 22nd and I Streets.

17           MR. HITCHCOCK: Okay.

18           MR. WELLS: I'll have to confirm  
19 that.

20           MR. HITCHCOCK: Yes. The reason I  
21 ask is your next paragraph begins,  
22 specifically with respect to 22nd and I,

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1 suggesting a more general statement, so I was  
2 just trying to get clarification.

3 MR. WELLS: That's -- I believe  
4 it's related to 22nd and I.

5 MR. HITCHCOCK: Okay, thanks. I  
6 had a question also on your Exhibit A dealing  
7 with future projections. You indicated that  
8 your research, if I understand -- well, what  
9 was the baseline number you used currently for  
10 faculty and staff? Do you remember off hand?

11 MR. WELLS: I'd have to look that  
12 up, but it's roughly 6,000.

13 MR. HITCHCOCK: Okay. I mean,  
14 here's what I'm trying to get at, and I'll try  
15 to move through this quickly. You're  
16 currently at 6,000, and if I understand your  
17 report correctly, you estimate that 1,000  
18 staff generate 178 vehicle trips, correct?

19 MR. WELLS: The supplemental  
20 material that we provided actually restate our  
21 trip generation. We looked at two different  
22 scenarios -- increasing -- the first scenario

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1 we looked at was increasing the students to  
2 the 20,000 cap, which means adding 1,198  
3 students.

4 MR. HITCHCOCK: Okay, excuse me.  
5 Could I ask which document you're referring  
6 to?

7 MR. WELLS: They're supplemental  
8 materials that will be -- that we submitted to  
9 DDOT that will be --

10 MR. HITCHCOCK: Okay. So this is  
11 something that no one has seen.

12 MR. WELLS: DDOT has seen it.

13 MR. HITCHCOCK: Okay. But none of  
14 the parties have seen it, and the Commission  
15 has not seen it.

16 MR. WELLS: That's correct.

17 MR. HITCHCOCK: Okay.

18 MR. WELLS: And we've been asked  
19 to provide that information.

20 MR. HITCHCOCK: Okay.

21 MR. WELLS: And we'd be happy to  
22 do so.

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1                   MR. HITCHCOCK:       Because the  
2 question -- you're going from -- if my math is  
3 correct, if you go from 6,000 to 12,000, and  
4 if 1,000 generates 178 vehicle trips, that's  
5 over 1,000 more vehicle trips would be  
6 generated, correct?

7                   MR. WELLS:       Our supplemental  
8 materials indicate that in the a.m. peak hour  
9 going -- adding 6,475 additional faculty and  
10 staff will generate 867 a.m. peak hour trips  
11 and 800 p.m. peak hour trips.

12                  MR. HITCHCOCK:    And that would  
13 have no impact on the levels of service at the  
14 30 plus intersections?

15                  MR. WELLS:    Oh, sure it would.  
16 That's why the additional --

17                  MR. HITCHCOCK:   Okay.

18                  MR. WELLS:    -- mitigation measures  
19 are required.

20                  MR. HITCHCOCK:   All right. Well,  
21 Madam Chair, we'd like to pursue this once we  
22 see the reports. I mean, we're just going on

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1 what's publicly available, and Exhibit A  
2 doesn't have a lot of information on that, so  
3 -- that's all the questions I have.

4 MR. WELLS: Thank you.

5 CHAIRPERSON MITTEN: Okay. I  
6 think to be fair, because what you -- the  
7 original analysis should have addressed the  
8 cap and not -- this should have been the  
9 original analysis, so I think to be fair they  
10 are entitled to see the supplemental  
11 information and then -- and then cross examine  
12 you on it.

13 MR. WELLS: I don't disagree with  
14 that.

15 CHAIRPERSON MITTEN: Okay. And  
16 Ms. Dwyer doesn't either. I can tell.

17 MS. DWYER: No, I don't. I think  
18 since we're having DDOT come back, we're  
19 probably going to need some rebuttal time to  
20 issues that may come up with DDOT. So we  
21 might have a separate little traffic rebuttal  
22 as well, so --

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1 CHAIRPERSON MITTEN: Okay.

2 MS. DWYER: -- there will be lots  
3 of opportunity for questions, unfortunately.

4 (Laughter.)

5 MR. HITCHCOCK: And you can have  
6 your microphone back.

7 CHAIRPERSON MITTEN: Did you want  
8 to -- did you have specific folks or -- Ms.  
9 Kahlow?

10 MS. KAHLOW: Well, I have it all  
11 over the whole map.

12 CHAIRPERSON MITTEN: Okay. Well,  
13 then --

14 MS. KAHLOW: On each of the --

15 CHAIRPERSON MITTEN: -- Mr. Wells  
16 is there and Mr. Barber and Mr. --

17 MS. KAHLOW: I don't need Mr.  
18 Bell.

19 CHAIRPERSON MITTEN: Okay.

20 MS. KAHLOW: Well, maybe I do. I  
21 shouldn't say that, because one thing he said  
22 today that I actually do have to go back on.

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1 But let's go through the written and then his  
2 oral. So maybe you want to come back, yes.  
3 Sorry. Sorry to do that to you. It wasn't in  
4 the written.

5 Okay. Let's go to this document,  
6 which we received on the 28th, which was  
7 submitted today. Sorry. First, is on page 2  
8 of the memo, and it relates to Exhibit D. And  
9 the question has to do with the testimony that  
10 I erroneously used examples, and then I  
11 corrected it by using square 104, the Allstate  
12 Hotel, and square 81, the State Plaza Hotel,  
13 both of which, as you can see, are in the SP-2  
14 zone.

15 Will GW be agreeable to revised  
16 conditions specifically restricting future use  
17 of these two SP zoned properties for student  
18 residential use instead of using the examples  
19 that I gave that were the wrong examples?

20 MS. DWYER: Madam Chair, I think  
21 we've already -- that question has been asked  
22 and answered by Mr. Katz.

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1 MS. KAHLOW: I didn't -- I don't  
2 think so. I didn't ask about the --

3 MS. DWYER: You asked about the --

4 MS. KAHLOW: I asked about the  
5 entire SP zone.

6 MS. DWYER: You asked whether he'd  
7 be willing to extend it to the SP.

8 MS. KAHLOW: And now I'm saying  
9 only two sites, only two specific sites,  
10 because you point out correctly that the  
11 apartment buildings are in the R zone. These  
12 are two hotels that are having a hard time  
13 surviving that might turn into university use,  
14 and the question is, of those two specific  
15 sites would, you be willing to --

16 CHAIRPERSON MITTEN: Is your  
17 answer any different, Mr. Katz?

18 MR. KATZ: The answer is not  
19 different.

20 MS. KAHLOW: Okay. Thank you.

21 CHAIRPERSON MITTEN: Thank you.

22 MS. KAHLOW: Okay. Now let's move

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1 to page 3 of this cover memo. And this has to  
2 do -- GW's commitment to pay for new traffic  
3 lights at 22nd and I and 22nd and F. What is  
4 GW's estimate for its dollar contribution for  
5 these public amenities? That's the last  
6 bullet on page 3.

7 MS. DWYER: We can provide the  
8 dollar value for a traffic light when we  
9 provide the supplemental information on the  
10 streetscape plan.

11 MS. KAHLOW: Both traffic lights,  
12 22nd and I and 22nd and F.

13 MS. DWYER: Yes, we can provide  
14 that.

15 MS. KAHLOW: Okay. All right.  
16 Page 4, second Metro or entrance, the first  
17 section up there. I use the term loosely that  
18 GW is dancing around a commitment for the  
19 second Metro entrance by saying, "The  
20 development plan set forth in this campus plan  
21 will not preclude the accommodation of such an  
22 entrance." GW has already testified they

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1 won't have it in square 54. In which other  
2 square and lot and corner is GW willing to  
3 house such an entrance?

4 MS. DWYER: I think what GW  
5 testified to is that the -- WMATA has not  
6 determined the location, but regardless of  
7 which location there is no campus development  
8 that would preclude the Metro.

9 MS. KAHLOW: So any square but  
10 square 54, you're willing, is that what I  
11 understand?

12 CHAIRPERSON MITTEN: Can I just  
13 interject one thing, which is Metro can put an  
14 entrance wherever they want it, because they  
15 have the power of eminent domain, so it's  
16 really not up to the university to proffer --  
17 you know, to offer it. So, and so far they've  
18 been unwilling to do that, so it's definitely  
19 something that will be worked out as long as  
20 --

21 MS. KAHLOW: Okay.

22 CHAIRPERSON MITTEN: -- it doesn't

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1 -- it's not precluded by what the university's  
2 plan is.

3 MS. KAHLOW: Well, you know, at  
4 various meetings, Chair Mitten, they have said  
5 no. So this "not preclude" language is not  
6 particularly helpful. Are they willing or  
7 not? Are they willing to have it somewhere in  
8 one of the GW properties?

9 MS. DWYER: What the university  
10 has said is yes, and they are participating  
11 with the stakeholder meetings with WMATA.  
12 There are a couple of locations being  
13 considered that are on the campus, and there's  
14 nothing in this campus plan that would  
15 prohibit a Metro entrance at those locations.

16 MS. KAHLOW: Thank you. Page 5,  
17 historic preservation. Will GW -- this is the  
18 historic preservation stuff. Will GW be  
19 paying all of the costs for preparation of the  
20 six proposed individual landmark applications?  
21 Will GW be paying all of the costs for  
22 preparation of the proposed historic district

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1 applications?

2 MR. BELL: Yes.

3 CHAIRPERSON MITTEN: Okay. I just  
4 want to make sure we got on the record the  
5 answer to the first question. That was yes.  
6 And now the answer to the second question is  
7 yes. Okay.

8 MR. BELL: Yes.

9 MS. KAHLOW: Why is GW, the  
10 principal land owner in the proposed historic  
11 district area, not committing to submit the  
12 proposed historic district application?

13 CHAIRPERSON MITTEN: I think we  
14 covered this, and this is not -- yes, we  
15 covered this.

16 MS. KAHLOW: Okay. What we  
17 covered was that it's -- it is unusual for the  
18 city to. It's usually some kind of non-profit  
19 or something else.

20 CHAIRPERSON MITTEN: We covered  
21 this. Let's go on to something else.

22 MS. KAHLOW: Okay. Well, I wanted

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1 to ask -- the only question about it was, did  
2 they discuss having the non-profit, so the  
3 city didn't have this obligation, one of the  
4 other non-profits submitted on behalf -- for  
5 the university, like the D.C. Preservation  
6 League.

7 CHAIRPERSON MITTEN: That's -- you  
8 know, if you had that as a question, you  
9 should have asked it a long time ago.

10 MS. KAHLOW: Okay. I didn't ask  
11 it right. Sorry.

12 Okay. Exhibit A, page 3, this has  
13 to do with the estimated number of parking  
14 spaces, and this is for Mr. Wells. Thank you.  
15 Sorry, I didn't have the name there.

16 An estimated 13 parking spaces on  
17 G would need to be restricted during peak  
18 hours. Is that additional to the one that  
19 DDOT talked about today with 16 metered and 14  
20 zone 2? Is that 13 additional?

21 MR. WELLS: I believe in total,  
22 looking at the number of spaces that would

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1 have to be restricted during a.m. and p.m.  
2 peak periods for the maximum cap, both student  
3 and faculty and staff, is a grand total of  
4 about 30.

5 MS. KAHLOW: So the 16 and 14 --

6 MR. WELLS: Add up to 30.

7 MS. KAHLOW: -- add to 30. And  
8 this 13 that's brand-new is subsumed in that?

9 MR. WELLS: Yes, that's --

10 MS. KAHLOW: Oh.

11 MR. WELLS: I believe that's  
12 correct.

13 MS. KAHLOW: Okay. And how many  
14 of the other non-peak hour spaces will be lost  
15 due to the streetscape plan, the proposed  
16 bump-outs and mid-block crossings? How many  
17 additional to those 30?

18 MR. WELLS: I don't know.

19 MS. KAHLOW: Ms. Rutherford, you  
20 said on August 30th that there would be six  
21 more on H Street. How many are there? Have  
22 you -- Ms. Rutherford? Where did she go?

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1 (Laughter.)

2 Oh, I'm sorry. I was looking for  
3 her. There were six on H, and you were going  
4 to determine the rest, and I didn't know what  
5 those numbers were. So we --

6 MS. RUTHERFORD: It is six. There  
7 are no additional. The bump-outs do not  
8 result in loss of parking spaces.

9 MS. KAHLOW: And the mid-block  
10 crossings?

11 MS. RUTHERFORD: Six.

12 MS. KAHLOW: So we have the 30  
13 plus 6; 36 is what we're talking about now, is  
14 that correct? The 16 metered, 14 zone 2 in  
15 rush, and the 6 bump-outs.

16 MS. RUTHERFORD: The six for the  
17 mid-block crossing on H Street.

18 MS. KAHLOW: And the mid-block,  
19 okay. All right.

20 Now, if I could go to Mr. Bell and  
21 your testimony, and these pictures over here.  
22 I guess that's Exhibit -- let's see what

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1 exhibit that is. Exhibit B. Sorry, I wrote  
2 the wrong thing down.

3 These are your pictures. What I'm  
4 trying to understand is how tall these  
5 buildings are currently. Since you're  
6 proposing 110 or 130 feet for square 55, how  
7 tall is that existing building?

8 MR. BELL: I believe -- the  
9 parking garage, is that what you're referring  
10 to?

11 MS. KAHLOW: That's correct.

12 MR. BELL: I believe that's 90  
13 feet.

14 MS. KAHLOW: And all of the others  
15 in these two -- first two pages, we'll go page  
16 by page, is anything over 90 feet?

17 MR. BELL: I don't believe so.

18 MS. KAHLOW: Okay.

19 MR. BELL: No.

20 MS. RUTHERFORD: Where's she  
21 looking?

22 MR. BELL: In the pictures in the

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1 first two pages?

2 MS. KAHLOW: First page, we're  
3 going page by page.

4 MR. BELL: No.

5 MS. KAHLOW: Thank you. Okay.  
6 Now let's go to the next page. This is square  
7 55 and square 56. Are any of these over 90  
8 feet currently?

9 MR. BELL: The medical school  
10 building on square 41 is 94 feet, I believe.  
11 This one right here.

12 MS. KAHLOW: How much?

13 MR. BELL: 94.

14 MS. KAHLOW: 94. So --

15 CHAIRPERSON MITTEN: Just to help  
16 us out, so that it's not just you two chatting  
17 with each other --

18 (Laughter.)

19 -- why don't you bring that over,  
20 so you can point.

21 MS. KAHLOW: Okay.

22 CHAIRPERSON MITTEN: I'm sure Mr.

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1 Barber would be happy to hold it for you.

2 (Laughter.)

3 MR. BELL: 94 feet.

4 MS. KAHLOW: Okay. The others --  
5 let's point out where the 90 is. On the right  
6 side, the first -- the first page 1, those are  
7 90 feet, and page 2 is this -- everything is  
8 90 except for the 94. And that's including  
9 the penthouse, or is that --

10 MS. RUTHERFORD: No.

11 MR. BELL: Penthouses are usually  
12 above that.

13 MS. KAHLOW: Okay.

14 CHAIRPERSON MITTEN: Okay. I need  
15 you to be here. Use this.

16 MS. KAHLOW: On square 75 --

17 MR. BELL: Okay. Is this on?

18 MS. KAHLOW: It's on. Where is  
19 your square 75 on this page? I mean, I see it  
20 in mine, but where is it on this board? It's  
21 --

22 MS. RUTHERFORD: It's the first

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1 board in the center there.

2 MS. KAHLOW: Oh, there it is.

3 MR. BELL: Yes, this is square 75.

4 MS. KAHLOW: And what's the  
5 highest building there?

6 MR. BELL: Well, in the picture --

7 MS. KAHLOW: In the picture.

8 MR. BELL: -- this building is 123  
9 feet. The Burns Building here is 123 feet.

10 CHAIRPERSON MITTEN: What's the  
11 one to the left in that photograph? Just for  
12 height purposes.

13 MR. BELL: This?

14 CHAIRPERSON MITTEN: Yes.

15 MR. BELL: 90 feet.

16 CHAIRPERSON MITTEN: Okay.

17 MS. KAHLOW: What is the zoning of  
18 the Burns Building?

19 MS. RUTHERFORD: That's Section C-  
20 3-C.

21 MS. KAHLOW: Okay. Thanks.

22 And now, the last one, square 77,

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1       which is I guess on this next one, the lowest  
2       one on the next board.

3               MR. BELL:   This one here?

4               MS. KAHLOW:  Yes.  What's --

5               MR. BELL:  I believe these are --

6               MS. KAHLOW:  Max of 90?

7               MR. BELL:  80.  This goes up to  
8       80.

9               MS. KAHLOW:  Okay, 80.

10              MR. BELL:  This goes up to 80, and  
11       that's above 80.  I don't have the exact  
12       number on the West End, but it's above 80, the  
13       facade.

14              MS. KAHLOW:  Okay.  But max of 90,  
15       so -- and the purpose of these, and the same  
16       on the next one, square 77?

17              MR. BELL:  The view -- this one,  
18       the view of Crawford and the view of Shenley?

19              MS. KAHLOW:  Yes.  How high are  
20       they?

21              MR. BELL:  I don't have that  
22       particular number, but they don't exceed 90.

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1 MS. KAHLOW: That's right.  
2 Everything is under 90. So the context of  
3 this was: why should we be doing 110 and 130?  
4 Is that what this context was of all these  
5 pictures that are 90 or less, except for that  
6 one building? I was trying to understand what  
7 these pictures -- how this -- how this gives  
8 some benefit for going to 110 and 130.

9 MR. BELL: Right. We were asked  
10 to provide photographs of context photos of  
11 the area.

12 MS. KAHLOW: I see. So it's not -  
13 - these don't -- I mean, without having the  
14 heights, it was pretty hard, since the  
15 question was, where is the 110 and 130. Okay.

16 That is all I had on this  
17 submission. Thank you.

18 CHAIRPERSON MITTEN: I just want  
19 to -- Mr. Parsons just asked -- and I think  
20 it's a good idea -- the little key that you  
21 have to where the photos were taken, we don't  
22 have that in our package, and I think it would

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1 be helpful.

2 MR. BELL: We'll get that to you.

3 CHAIRPERSON MITTEN: And also, if  
4 you could just mark on -- you know, how --  
5 what the heights of the different buildings  
6 are.

7 MR. BELL: Sure.

8 CHAIRPERSON MITTEN: That would be  
9 great.

10 Is that it for everyone, Ms.  
11 Kahlow?

12 (No response.)

13 Okay. So here's what we have left  
14 to do. We have Ms. Kahlow's cross examination  
15 of Mr. Crews. We have another visitation from  
16 DDOT with Mr. Bah for sure, and perhaps Mr.  
17 Hawk. And then, we have -- there will be a  
18 supplemental submission by Mr. Wells regarding  
19 the faculty -- the analysis of the increased  
20 faculty numbers and an opportunity for cross  
21 examination on that supplemental.

22 Now, here is the best that I've

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1       been able to work out so far, which is that we  
2       would -- you've just got to bear with us in  
3       terms of trying to shoehorn this in. We have  
4       a hearing on the 6th of November at 6:30, and  
5       we don't expect that to be particularly long.

6               So what we'd like to do is have a  
7       -- have a session of this hearing that starts  
8       at 5:30, and then if we don't get done in an  
9       hour we -- we just take a break from the GW --  
10      you can't do that. I'm sorry. Could you just  
11      come forward?

12             MS. KAHLOW: I'm going to be out  
13      of town on the 6th.

14             CHAIRPERSON MITTEN: Okay. Okay.  
15      Just bear with me again.

16             (Pause.)

17             Okay. What about the 16th? And  
18      HPRB will be here, and so it -- starting at  
19      5:30 won't work, but we -- I think we'll have  
20      a relatively short hearing on the 16th, so we  
21      could start after, which would be -- it would  
22      be roughly around 7:30, the 16th of November.

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1 MR. HITCHCOCK: I have a conflict  
2 that evening.

3 CHAIRPERSON MITTEN: Okay. What  
4 about -- and I haven't asked my colleagues any  
5 of this, so try and keep up, guys. No. What  
6 about the 30th of November at 5:00?

7 MR. HITCHCOCK: I think that --  
8 that sounds fine.

9 CHAIRPERSON MITTEN: How does that  
10 sound, Ms. Dwyer?

11 MS. DWYER: That's fine with me.  
12 I'm just checking with --

13 CHAIRPERSON MITTEN: Mr. Wells is  
14 going to have to be here. Does that work for  
15 you, Mr. Wells?

16 MR. WELLS: I think I'm here  
17 anyway. Don't you have Washington Gateway  
18 that evening?

19 CHAIRPERSON MITTEN: Yes. Capital  
20 Gateway. Capital Gateway Overlay? No, not  
21 that? It's a different one. Oh, I'm sorry.  
22 No, the 16th. I'm talking about the 16th.

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1 Did I say the 16th? What did I say?

2 SEVERAL PARTICIPANTS: The 30th.1

3 CHAIRPERSON MITTEN: Oh, nuts.

4 Okay. No, we already covered the 16th.

5 That's right. Okay, sorry. Okay. I'm sorry.

6 5:00 on the 30th. Yes, Mid-Atlantic. Is that

7 Mid-Atlantic?

8 MR. WELLS: Right.

9 CHAIRPERSON MITTEN: Okay. Yes.

10 Well, perhaps. I don't know. If that's your

11 case, that's the case.

12 MS. KAHLOW: December 30th, is

13 that --

14 CHAIRPERSON MITTEN: It's November

15 30th.

16 MS. KAHLOW: November 30th.

17 CHAIRPERSON MITTEN: At 5:00 p.m.

18 MS. KAHLOW: That's okay.

19 CHAIRPERSON MITTEN: We'll at

20 least have a quorum of Commissioners. Okay?

21 MS. DWYER: One other suggestion.

22 Since we have the hearing coming up for the

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1 School Without Walls --

2 CHAIRPERSON MITTEN: When is that?

3 MS. DWYER: -- which is October  
4 20th.

5 PARTICIPANT: 30th.

6 MS. DWYER: -- 30th, October 30th,  
7 is it possible to start this earlier that  
8 evening?

9 CHAIRPERSON MITTEN: Okay. The  
10 only thing is I won't be here, not that anyone  
11 cares.

12 (Pause.)

13 My colleagues would prefer that we  
14 do it on November 30th.

15 MS. DWYER: All right. That's  
16 fine.

17 CHAIRPERSON MITTEN: Okay. So  
18 that's what we will do, and we'll invite Mr.  
19 Crews back. Hopefully, he doesn't have  
20 another commitment. And if you could pass the  
21 word for us to the DDOT folks, if that's all  
22 right. Mr. Lawson?

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1                   MR. LAWSON: Madam Chair, my name  
2 is Joel Lawson with the Office of Planning.  
3 I would just note that that date is subsequent  
4 to the square 54 public hearing, which is on  
5 November 20th, and I'm being told that the  
6 Commission has expressed a preference to deal  
7 with square 54 after dealing with this issue.

8                   CHAIRPERSON MITTEN: I think it  
9 was to have the hearing. I don't know that we  
10 were going to dispose of it. I think -- I  
11 think it's sufficiently now -- the campus plan  
12 is sufficiently solidified in our mind and all  
13 that is separate. You know, just didn't want  
14 to get it too -- are you guys okay with it?  
15 Okay. Thank you for reminding us of that,  
16 though.

17                   Okay. So 5:00 on November 30th we  
18 will reconvene with Mr. Crews, DDOT, and Mr.  
19 Wells. And that's it. We're not going to  
20 have -- there's not going to be more.

21                   MR. HITCHCOCK: One additional  
22 point. When the DDOT representative was here

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1 before, we talked about ANC and Foggy Bottom  
2 getting a copy of the new report and the DDOT  
3 report and submitting something in response.  
4 GW would want to -- do you contemplate a  
5 deadline for that, or should we just try to do  
6 it as early as possible?

7 CHAIRPERSON MITTEN: Why don't you  
8 just -- without getting -- just do it by the  
9 15th of November, and then it will be adequate  
10 time beforehand.

11 MR. HITCHCOCK: That's fine.  
12 We'll do that. One other just housekeeping  
13 point. After the colloquy with Mr. Micone  
14 last week on advisory committees, we did some  
15 research and would like to make a submission  
16 on how other communities, other cities, deal  
17 with that. The American Planning Association  
18 has some work, HUD has some materials. We'll  
19 get that in in advance as well.

20 CHAIRPERSON MITTEN: Okay.

21 MR. HITCHCOCK: But we thought it  
22 might be helpful for perspective.

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1                   CHAIRPERSON MITTEN:    Okay.   Now,  
2   before everyone leaves, I just want people to  
3   be aware of the fact that I have a Metro fare  
4   card up here that someone dropped in the hall.  
5   It doesn't have a whole lot on it, but it  
6   could get you home.   So --

7                   (Laughter.)

8                   -- if somebody thinks it's theirs,  
9   I just don't want you to think it's one of  
10  those \$20 ones that you should rush up and  
11  get.

12                  Okay.    Thanks, everybody, and  
13  we'll see you on the 30th if not before.

14                  (Whereupon, at 9:23 p.m., the  
15  proceedings in the foregoing  
16  matter were adjourned.)

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19  
20  
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