

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

IN THE MATTER OF:

|  |          |
|--|----------|
| Text Amendment --                        | Case No. |
| Chapters 2, 3, 5, 6, 9, 21, 30<br>and 31 | 99-09    |

Thursday  
November 16, 2000

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

The Public Hearing of Case No. 99-09 by the District of Columbia Zoning Commission convened at 7:42 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

|                     |                  |
|---------------------|------------------|
| ANTHONY J. HOOD     | Chairperson      |
| CAROL J. MITTEN     | Vice Chairperson |
| HERBERT M. FRANKLIN | Commissioner     |
| KWASI HOLMAN        | Commissioner     |
| JOHN G. PARSONS     | Commissioner     |

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OFFICE OF ZONING STAFF PRESENT:

Alberto Bastida, Secretary, ZC  
Gerald Forsburg, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Ellen McCarthy, Office of Planning  
John Fondersmith, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.  
Marie Sansone, Esq.

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Organizations or Persons in Support:

|         |      |          |        |
|---------|------|----------|--------|
| John    | B.   | Childers |        |
| .....   |      | 12       |        |
| Dorothy |      | Miller   |        |
| .....   |      | 25       |        |
| Eleanor |      | Becker   |        |
| .....   |      | 29       |        |
| Guy     |      | Gwynne   |        |
| .....   |      | 36       |        |
| Charles |      | Mallett  |        |
| .....   |      | 39       |        |
| William |      | Harrup   |        |
| .....   |      | 40       |        |
| Dino    |      | Drudi    |        |
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| Doctor  | Marc | A.       | Weiss  |
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Organizations or Persons in Opposition

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

7:42 p.m.

CHAIRPERSON HOOD: This hearing will come to order.

Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, November the 16<sup>th</sup>, 2000. My name is Anthony J. Hood, Chairperson of the Zoning Commission of the District of Columbia.

Joining me this evening are Commissioners Carol J. Mitten, who serves as Vice-Chair, Kwasi Holman, Herbert M. Franklin and John G. Parsons.

I hereby declare this hearing open.

Notice of today s hearing was published in the D.C. Register on October the 20<sup>th</sup>, 2000, and in the Washington Times on October the 6<sup>th</sup>, 2000. This hearing will be conducted in accordance with the provisions of 11 DCMR 3020.

The subject of this evening s hearing is Zoning Commission Case No. 99-09, the transferring the review authority of campus plans from the BZA to the Zoning Commission. The Zoning Commission of the District of Columbia is the original initiator of the action of this case.

The Zoning Commission took action to approve proposed rulemaking on October the 16<sup>th</sup>, 2000. The proposed rules provide that the transfer of the campus plan approval authority not apply to pending campus plan applications which have been or are being heard by the BZA as of the effective date of the rule.

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1                   This does not apply to campus plans that have been  
2 filed, and/or schedule but not heard. All requests for further  
3 processing under any approved campus plan shall be heard by the  
4 Zoning Commission.

5                   The order of procedure will be as follows,  
6 preliminary matters, reports of the Office of Planning and other  
7 governmental agencies, organizations or persons in support,  
8 organizations or persons in opposition. The following time  
9 constraints will be adhered to in this meeting, organizations,  
10 five minutes; individuals, three minutes.

11                   The Commission will adhere to this schedule as  
12 strictly as possible. Those presenting testimony should be brief  
13 and non-repetitive. If you have a prepared statement, please give  
14 copies to staff and orally present only the highlights. Please  
15 provide copies of your statement before summarizing.

16                   All persons appearing before the Commission are to  
17 fill out two witness cards. These cards are located at each end  
18 of the table in front of us. Upon coming forward to speak to the  
19 Commission, please give both cards to the reporter sitting to my  
20 right.

21                   If these guidelines are followed, an adequate  
22 record can be developed in a reasonable length of time. The  
23 decision of the Commission in this case must be based exclusively  
24 on the public record. To avoid any appearance to the contrary,  
25 the Commission requests that persons present not engage the

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1 members of the Commission in conversation during any recess or at  
2 any time. The staff will be available to discuss procedural  
3 questions.

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

6 Would all individuals to testify please rise to  
7 take the oath?

8 SECRETARY BASTIDA: Mr. Chairman, this is a  
9 rulemaking, there is no swearing in.

10 CHAIRPERSON HOOD: Yes, I m sorry. I will say I  
11 hesitated because it was in my opening statement. Anyway, do we  
12 have any procedural matters?

13 SECRETARY BASTIDA: Mr. Chairman, the staff has no  
14 procedural matters, no preliminary matters.

15 CHAIRPERSON HOOD: Okay.

16 Mr. Bastida, if you could specify, so everyone  
17 knows exactly why we are here today, as opposed to we are not  
18 testing on regulations, we are testing basically on the  
19 transferring of the jurisdiction of the transfer of campus plans,  
20 whether it be heard by the Board of Zoning Adjustment or the  
21 Zoning Commission.

22 Mr. Bastida, could you give us the date when we are  
23 going to deal with the regulations, the other piece?

24 SECRETARY BASTIDA: Yes, tentatively has been  
25 scheduled for November Monday, November the 27<sup>th</sup> at 6:00 in the

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1 afternoon. That will be a special meeting to make a final  
2 decision on this case.

3 CHAIRPERSON HOOD: Okay, on this case, but as far as  
4 the regulations for dealing with campus plans, I believe that  
5 hearing is going to be in February, am I correct?

6 SECRETARY BASTIDA: Oh, I think that the Office of  
7 Planning is in a position to address that matter, since they are  
8 preparing a set down report, and I don't know when that report  
9 will be submitted to the Commission.

10 CHAIRPERSON HOOD: Ms. McCarthy, can you comment on  
11 that, please?

12 MS. MCCARTHY: Right, Mr. Chairman.

13 We are in the process now of organizing forums for  
14 both the Federation of Citizens Associations and other citizens  
15 associations and ANCs, and for the Consortium of Universities we  
16 are looking we are aiming to try to have those the middle of  
17 December, so that we can then we would expect at that point in  
18 time to have some scenarios for what kinds of changes we proposed  
19 in the regulations, discuss those with the participants at those  
20 forums, based on that input then to draft something in late  
21 December and through January, and come back to you at the February  
22 meeting with something for official set down.

23 CHAIRPERSON HOOD: Okay, thank you, Ms. McCarthy,  
24 and I wanted to make sure that we all understood our purpose here  
25 tonight, it's basically dealing with the transfer, if there will

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1 be a transfer from the Zoning Commission to the BZA, regulations  
2 in dealing with campuses, the regulations and everything will be  
3 dealt with, we heard tonight, will be presented to the Zoning  
4 Commission in February.

5 So, with that, colleagues, if everything is in  
6 order, I will go to the witness list that I have. If anyone wants  
7 to sign on this list, I m going to pass it down to Mr. Bastida,  
8 you can come and sign your name, but I m going to ask the  
9 Consortium of Universities, Mr. John Childers, President, and the  
10 staff to come to the table.

11 MS. McCARTHY: Okay, Mr. Hood, we had prepared just  
12 a brief presentation, just to summarize what we were proposing, so  
13 everybody could really focus on what was before us tonight.

14 CHAIRPERSON HOOD: Okay.

15 MS. McCARTHY: And, it is very brief.

16 CHAIRPERSON HOOD: Okay, thank you, Ms. McCarthy.  
17 Let s hear from the Office of Planning first, and then we will  
18 hear the witnesses.

19 MS. McCARTHY: Okay.

20 Basically, as you see from this chart which tries  
21 to outline the key points, in terms of why we are talking about  
22 transferring campus plans to the Zoning Commission, the feeling  
23 that was expressed at the roundtable that was held by the Zoning  
24 Commission, and what we had concluded based on our research and  
25 experiences with campus plans so far, was that the issues that are

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1 dealt with in campus plans really more closely are related to the  
2 functions that the Zoning Commission performs, and in that  
3 instance I would refer specifically to things like planned unit  
4 developments, where you are looking at the development of a larger  
5 area, and how that what s the appropriate set of restrictions,  
6 amenities, that sort of thing, that is related to a planned unit  
7 development, map changes, about what is the appropriate type of  
8 zoning, the appropriate level of restriction that should be  
9 applied to a larger area, so we thought that was more closely akin  
10 to BZA functions, which are, you know, directly related to the  
11 specific kinds of exceptions that need to be made from the strict  
12 application of the Zoning Regulations relating to specific and  
13 unique aspects of a particular building that is before the Board  
14 at that time.

15 We felt, secondly, you know, that the campus plans,  
16 because they have become extremely complex, protracted  
17 proceedings, that they were clearly overburdening the BZA case  
18 load, and that made sense to transfer to the Zoning Commission,  
19 and that, lastly, the kinds of impacts that we are talking about  
20 with regard to campus plans go beyond just the kind of narrow  
21 adverse impact standard that s typically applied for special  
22 exceptions before the Board of Zoning Adjustment, and that we were  
23 dealing with broader kinds of impacts on land use, on housing  
24 supply, on quality of life in neighborhoods, and that those,  
25 again, were the kinds of issues, the broader impacts that the

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1 Commission was more typically dealt with in the cases before it,  
2 and that, just very briefly, what s proposed in the reports that  
3 the Office of Planning had submitted is, essentially, that the  
4 Zoning Commission would be the body that approves campus plans,  
5 that in addition further processing of individual buildings would  
6 be shifted to the Zoning Commission. However, that would be done  
7 under the current BZA procedures. We would not be adopting new  
8 regulations. This is only, as you indicated, a transfer of  
9 jurisdiction at this point in time, when the new regulations come  
10 before the Board and are adopted then they can be applied to the  
11 Zoning Commission when it s reviewing campus plans, and that,  
12 lastly, those plans that have had a public hearing before the  
13 Board of Zoning Adjustment, even though they may still be in  
14 process, those plans would continue to be finalized by the Board  
15 of Zoning Adjustment, that we are only talking about applying the  
16 new jurisdiction to plans such as American University, that have  
17 not yet had a public hearing before the Commission.

18 CHAIRPERSON HOOD: Okay, thank you, Ms. McCarthy.

19 Colleagues, any questions? Okay, it s very  
20 straightforward, okay, thank you.

21 Do we have any reports from other government  
22 agencies?

23 SECRETARY BASTIDA: No, Mr. Chairman, we do not.

24 CHAIRPERSON HOOD: Okay.

25 Now we can go back to the witness list. Mr.

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1 Childers, from the Consortium of Universities, President and staff  
2 it has here on the witness list. And, let me just say, if you can  
3 summarize, because we do have your testimony. If you could have a  
4 seat and turn your mic and identify yourself for the record.

5 MR. CHILDERS: Mr. Chairman, my name is John  
6 Childers. I m accompanied this evening by Ms. Sally Kram, K-R-A-  
7 M, of the Consortium staff, one of my colleagues.

8 I am here this evening, Mr. Chairman and members of  
9 the Commission, on behalf of the District members of the  
10 Consortium of Universities, which are listed in your testimony.  
11 In summary, our position is as follows: the Consortium is neutral  
12 on the issue as to whether or not to transfer jurisdiction of  
13 campus plans to the Zoning Commission, but as I will get into  
14 later I urge you to think fully about some of the goals you have  
15 in mind in approving this transfer. Should the Commission assume  
16 jurisdiction, we would recommend the effective date of the change  
17 occur only after all campus plans currently being reviewed by the  
18 BZA are completed by the BZA, and we also recommend that the term  
19 review include all cases that have already been heard by the BZA,  
20 plus those that have already been filed with the BZA.

21 We recommend that the processing of campus plans  
22 not be separated from the plans themselves, in the not be  
23 bifurcated process between two agencies. We also think we should  
24 have a little more time to look at all these regulations that  
25 govern campus planning until, as we ve heard a few minutes ago,

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1 all interested groups have a chance to talk together.

2 I would also like to recommend that the comment  
3 period for the proposed text amendments be extended beyond  
4 November 20, because we think there are more than jurisdictional  
5 factors in these amendments. We think there are substantive  
6 issues as well, as just the transfer to the Zoning Commission.

7 In the paper, I discuss a number of jurisdictional  
8 transfer issues that I think the Commission will need to deal  
9 with, which I will deal with very quickly. The argument is given  
10 that this is necessary to give the Zoning Commission expanded  
11 authority to deal with a number of these cases. It s our belief  
12 that the Charter of the District of Columbia, and various court  
13 decisions, say that you already have this general authority to  
14 regulate the process. The Office of Planning has said that this  
15 would be helpful to look at these issues more broadly. If you get  
16 into the processing, you may lose focus over the broad issues you  
17 want to deal with, because you ll be getting into the minutia of  
18 campus plans, as well as the broad issues. So, you must consider  
19 the goals and what you are trying to accomplish.

20 On practical issues, your workload is going to  
21 increase very heavily. There have been a number of filings, there  
22 is some documentation attached to the paper showing the workload  
23 over the years on this, and this would only increase should the  
24 Office of Planning s recommendations be adopted to include even  
25 more land, large land users, in the category of institutions that

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1 must file campus plans. We estimate just on some of the campus  
2 plans you might have to have, based on the past practice, 33  
3 additional hours a years of hearings on some of these plans.

4 And, even if you expand your staff and your  
5 calendar, and you will also need more staff, just coming up to  
6 speed will take a certain period of time.

7 On the issue of fairness, which was addressed by  
8 the Office of Planning a moment ago, we think that the change must  
9 be implemented in a way that allows all parties to adjust.  
10 Therefore, we specifically recommend that plans that have already  
11 been filed, even if not heard, continue to be heard by the BZA.  
12 Specifically, American University has been preparing for two  
13 years, based on BZA rules, BZA precedents, and has filed its plan  
14 now with the BZA. It has not been heard, and we don t see why it  
15 should be separated out in the way it s being preceded from  
16 Georgetown and George Washington. So, we strongly recommend the  
17 term review include cases that have been filed, but not yet heard,  
18 by the BZA.

19 We recommend, as I recommended in July, that the  
20 Zoning Commission should look also at all institutions that are in  
21 the District of Columbia, not those that just have their main  
22 campus in the District of Columbia. There are 70 higher education  
23 institutions in Washington, we think you should look at the entire  
24 picture, not just at the few that have been here for 100 years.

25 On the regulations themselves in 14 seconds, we

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1 think there are some substantive issues involved that go beyond  
2 just the transfer to the Zoning Commission. We really need more  
3 time. For example, there is a new definition in here of  
4 structure, defined in many different ways, but would require a  
5 university to file for a special exception any time it wanted to  
6 erect a flag pole or a retaining wall. Is that what you really  
7 want to deal with on a weekly basis?

8 Further, it s unclear what s intended by the  
9 language that says, Universities must periodically submit to the  
10 Commission plans for the developing as a campus as a whole as a  
11 prerequisite to requesting special exceptions for each college  
12 use, is this a new filings not now specified in the law that are  
13 new? There seems to be a new special exception requirement in  
14 certain zoning classes not previously required.

15 The regulation transferring review of waterfront  
16 districts also appears to be confusing. As we read it, colleges  
17 on the waterfront would be regulated by the Zoning Commission, but  
18 schools would be regulated by the BZA. It may be that we don t  
19 understand that thoroughly, but we think, in general, there are a  
20 number of substantive issues that are in here that go beyond just  
21 the transfer of authority from the BZA to the Zoning Commission,  
22 and we hope you will have a chance to look at those. Therefore, I  
23 think we need more time to look at the substantive issues involved  
24 in the regulations beyond the transfer issues.

25 In its recommendations on this case, the Office of

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1 Planning said the city wants to have great universities in great  
2 neighborhoods, we support that goal, and we really would look  
3 forward to the opportunity to discuss these issues with affected  
4 parties to come to a good resolution of them.

5 CHAIRPERSON HOOD: Thank you, Mr. Childers, but if  
6 you will hold your seat, I will say that because you all have  
7 indulged with us we are going to give everybody a little bit more  
8 time, not a whole lot, because we do want to go ahead and make  
9 sure that we hear from the rest, so that s why we didn t cut it  
10 off right then. We are going to try to be fair across the board.

11 I think we have a few questions.

12 COMMISSIONER PARSONS: Mr. Chairman, I m confused.  
13 I really have no idea what you are talking about. Am I the only  
14 one out of step here? He s talking about regulations that he s  
15 reviewed, and I don t know of those.

16 MR. CHILDERS: On October 20<sup>th</sup>, regulations affecting  
17 the transfer of jurisdiction were published, on which comments  
18 were required by November 20<sup>th</sup>, and that s what I m requesting a  
19 little more time to comment on. The comments on the regulations  
20 that I understand are affecting the transfer of jurisdiction are  
21 due on November 20<sup>th</sup>, in four days.

22 COMMISSIONER PARSONS: I thought was hearing was  
23 much narrower than is being discussed here.

24 CHAIRPERSON HOOD: Mr. Bastida, could you put that  
25 on the record, please?

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1                   SECRETARY BASTIDA: Mr. Parsons, what the proposed  
2 regulations from the Office of Zoning, staff and the Corporation  
3 Counsel, the only thing that it does is substitute the word BZA  
4 for Zoning Commission. The rules for conducting the hearing would  
5 be the rules of the Board, and everything will just be as done  
6 that way, that require extensive codification of the regulations  
7 to make sure that, in fact, the Commission, if it were to adopt to  
8 these rules, conducted the hearings under the existing format and  
9 procedures as they are presently formatted.

10                   COMMISSIONER PARSONS: Well, that s not what Mr.  
11 Childers is commenting on, very substantive comments.

12                   CHAIRPERSON HOOD: I did hear that, Commissioner  
13 Parsons, and I would hope that like Mr. Bastida said, we will be  
14 going by what s published with BZA. The only thing, the only  
15 change is it will say the Zoning Commission at this point in time,  
16 and everything that has been filed and the BZA is working with at  
17 this point, the Zoning Commission, it will not come over to the  
18 Zoning Commission. I think I heard some of that in your comments.

19                   SECRETARY BASTIDA: In addition, Mr. Chairman, the  
20 comment period is until the 20<sup>th</sup>, so the specifics of those  
21 comments can be submitted to the Office of Zoning for their review  
22 and input to the Commission until that time.

23                   COMMISSIONER PARSONS: So, his comments, with all  
24 due respect, are out of order tonight, is that correct? In other  
25 words, we are not here we are here to hear testimony like he

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1 gave us in the beginning saying, you are going to need more staff,  
2 this is going to be very time consuming, those kinds of comments  
3 is what we are here for, not for the remainder of his testimony,  
4 which went to the specifics of regulations not yet implemented.

5 VICE-CHAIRPERSON MITTEN: Can I comment on that?

6 CHAIRPERSON HOOD: Commissioner Mitten.

7 VICE-CHAIRPERSON MITTEN: Actually, there is  
8 language, and Mr. Childers has focused on that language, there s  
9 language that s been published, and I ve had a copy of this for at  
10 least a month, and I thought it had been given to us all at a  
11 previous meeting, but there is some adapted language and we need  
12 to decide, based on the comments we receive, whether or not we  
13 want to include it. For instance, what now says any just as a  
14 for instance, any use permitted in R-1 districts under section so  
15 on and so forth now says any use or structure, or structure has  
16 been added, and Mr. Childers is commenting on there. There is a  
17 distinction that has been made with an effort, I think with an  
18 effort towards some kind of clarity, but we need to discuss each  
19 of them related to the waterfront districts, where there s a new  
20 section added that distinguishes colleges and universities from  
21 private schools and trade schools, which is on page eight of the  
22 proposed rulemaking.

23 So, he s commenting on all that, so I think that  
24 it s all relevant to

25 COMMISSIONER PARSONS: I guess my problem is I

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1 missed the October meeting. I had no idea about this, I  
2 apologize, and I'll sit back and watch.

3 MR. CHILDERS: Vice-Chair Mitten, I was just trying  
4 to respond to the announcement of this meeting that said comments  
5 on text amendments were also appropriate this evening.

6 VICE-CHAIRPERSON MITTEN: Well, and all of that is  
7 related to Case 99-09, which is transfer of jurisdiction, and the  
8 language that is proposed is towards effecting that, and you  
9 should focus on the details, that's why we published it.

10 MR. CHILDERS: And, my thought was that these  
11 regulations, as I understand it, would be operational after the  
12 transfer, and I had until November 20<sup>th</sup> to comment on things such  
13 as structure, so I was hoping that would be appropriate.

14 VICE-CHAIRPERSON MITTEN: Yes, and I think you are  
15 entirely correct.

16 COMMISSIONER PARSONS: My apologies.

17 CHAIRPERSON HOOD: Okay, but again, you have until  
18 November 20<sup>th</sup> to comment. I don't think there's going to be any  
19 decision making tonight. If what I'm hearing from you, you've had  
20 it, my colleague hasn't, but you've had it, and so November 20<sup>th</sup>  
21 probably is more than enough time to be able to comment, I  
22 believe.

23 MR. CHILDERS: It's two working days, but I

24 CHAIRPERSON HOOD: But, I mean, you've had it for a  
25 while.

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1 MR. CHILDERS: Yes, we found it published in the  
2 register.

3 CHAIRPERSON HOOD: Okay.

4 Okay, but again, we are not making any decisions on  
5 that here tonight.

6 Mr. Bastida, if we extended the date what type of  
7 problem would we run into, or would we run into a problem?

8 SECRETARY BASTIDA: It likely depends what the  
9 Commission decisions are, the published proposal makes it very  
10 specific, they give the timetable, and by which time they have to  
11 be submitted to the Office of Zoning, and even has a contact  
12 person, and it says specifically in writing that it has to be  
13 submitted.

14 I am not saying that that is a perfect system, but  
15 it s a system that usually I ve used. For what the Consortium is  
16 testifying, they have been aware of those regulations and those  
17 parameters for some time, and they are basically testifying to it,  
18 so it s to the discretion of the Commission to grant an extension  
19 or not. The staff is hesitant about such a move.

20 CHAIRPERSON HOOD: Let me just say that what we ll  
21 do, we will pick up that at the end after we hear the rest of the  
22 testimony and deal with that, but I, too, am in the mind that,  
23 like my statements earlier, you did have it earlier, even though  
24 you have two more working days, unlike my colleague, Mr. Parsons,  
25 he didn t have it, you had it, so we knew that the cutoff date was

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1 November 20<sup>th</sup> when we went into this.

2 So, I would be interested, we will take it up at  
3 the end of our hearing.

4 MR. CHILDERS: All right, sir. I just note there,  
5 I d just like to have it clear, which I believe Vice Chair Mitten  
6 agrees with me, there are substantive changes to the regulations  
7 the Zoning Commission would be operating under in these regs  
8 transferring authority from the BZA to the Zoning Commission.  
9 It s not just a transfer, it s changing the regulations under  
10 which you would operate, sir.

11 CHAIRPERSON HOOD: I wholeheartedly agree with you,  
12 I m not disputing that. I m just saying as far as the comment  
13 period, that s where I am.

14 MR. CHILDERS: Okay.

15 CHAIRPERSON HOOD: Okay?

16 COMMISSIONER HOLMAN: Mr. Chairman.

17 CHAIRPERSON HOOD: Hold on one second. Commissioner  
18 Holman.

19 COMMISSIONER HOLMAN: Just as a point of  
20 information, how much additional time would you be requesting were  
21 we able to grant it? I m just interested.

22 MR. CHILDERS: Ten days maybe, sir, not forever,  
23 just I m just concerned that maybe not even all of the  
24 universities, just like one of the commissioners, maybe not be  
25 totally aware of this.

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1 COMMISSIONER HOLMAN: Okay, thank you.

2 MR. CHILDERS: And, we need maybe just a little more  
3 time to understand the effect, because I frankly don t understand  
4 what the waterfront language means, or how it actually would work  
5 in practice.

6 CHAIRPERSON HOOD: Any other questions? Okay.

7 Thank you, Mr. Childers.

8 MR. CHILDERS: Thank you, very much.

9 CHAIRPERSON HOOD: Let me just acknowledge that we  
10 have our Vice-Chair of our Board of Zoning Adjustment, Mr. Robert  
11 Sockwell, in the audience, and also former chair of this  
12 Commission, Ms. Maybelle Bennett. I just wanted to acknowledge  
13 you.

14 Moving right along with our witness list, I m going  
15 to ask Ms. Dorothy Miller from ANC 2A-05.

16 MS. MILLER: Good evening, Chairman Hood and fellow  
17 Commissioners, I m Dorothy Miller. I m a Commissioner of the  
18 single-member district 2A-05, and I strongly support the change of  
19 the campus plan to the Zoning Commission. This change is long  
20 overdue.

21 I testified in 93 on behalf of my tenants  
22 association, Columbia Plaza Tenants, and in 96 as a Commissioner  
23 for the single member district. My neighborhood is now fighting  
24 for its very survival, and my apartment building has been turned  
25 into a dormitory by George Washington University.

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1           The record reveals that this idea was first  
2 conceived almost 25 years ago, June 19 and August 1 of 97. It is  
3 essential now to give birth to this idea. Institutions reasons  
4 for opposing the transfer in the past are still the same.  
5 Citizens positions are the same. It is interesting to note that  
6 the reason the citizens saw the need in 97 for this change is now  
7 very evident. The only change is that now the threat the citizens  
8 saw then supports the need to make this change now.

9           I m dead against the previous idea of giving the  
10 Zoning Administrator review of approval authority in some areas of  
11 the campus plan, because this is an area where there is no  
12 community input. This campus plan system is broke and it s not  
13 working, and the surrounding residential neighborhoods must be  
14 protected. It is almost too late for Foggy Bottom West End  
15 community, which is now fighting for its survival. If some  
16 improvement isn t forthcoming soon, it will no longer be a  
17 community, but a campus.

18           The universities always make the point that their  
19 economic value to the District, and their economic assistance  
20 include only the benefits, but not the cost. These ever-expanding  
21 tax exempt institutions replace businesses and citizens who would  
22 pay taxes. The universities operate in high value, high demand,  
23 over-developed neighborhoods. They talk about jobs they provide,  
24 but actually two thirds of the jobs are provided to people from  
25 Maryland and Virginia. An example was a Georgetown University

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1 pressure for the light on Canal Road so their faculty could back  
2 to Virginia with their money. The ANC-2A has been blessed that a  
3 Doctor Sol Shalit, Emeritus Professor Economics at the University  
4 of Wisconsin, chose to move to the District when he retired. His  
5 specialty is the business of economics, and tonight I have a gift  
6 for the members of the Zoning Commission. I s been given to the  
7 Office of Planning and to the BZA, and I d like to have a copy of  
8 each one of these given to the five members, because it s been  
9 pulled out of their files.

10 Doctor Shalit explains to you the economic position  
11 of universities as they relate to the District, and under the BZA  
12 these large non-profit institutions have no master plan control.  
13 It s like spot zoning, anything goes. Each request for a special  
14 exception is handled in a manner that there is nothing else  
15 affected by approval of their request. There is no residential  
16 communities within miles, of course, and there s no adverse  
17 impact. A definition is needed that clearly defines just what an  
18 adverse impact is. It s amazing that the BZA, under the current  
19 system, has never seen a single application from a university that  
20 created an adverse impact. That is until recently, when  
21 Georgetown requested changing a residence for the hall. I just  
22 want to say that I very much recommend this, and I m sorry I  
23 didn t have time to get my statement ready. We ve had a few  
24 problems with George Washington University, and I appreciate the  
25 time of coming tonight.

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1 CHAIRPERSON HOOD: Ms. Miller, you have an  
2 additional minute and a half.

3 MS. MILLER: Oh, thank you.

4 The Zoning Commission is responsible for bringing  
5 zoning regulations into compliance with the comprehensive plan, so  
6 it is logical that this agency should look at a larger picture of  
7 the District s land use. Campus plans now involve major land use  
8 decisions of magnitudes comparable to planned unit developments  
9 and known previously sometimes as a sectional development plan.  
10 There is a need to improve a greater overall requirement and more  
11 attention to external effects of campus activities on the  
12 surrounding area, and a greater need for the protection of the  
13 surrounding residential communities. The Zoning Commission is  
14 better able to do this, and I urge the Zoning Commission to  
15 expedite these changes, and I thank you.

16 CHAIRPERSON HOOD: Okay, thank you, Ms. Miller.

17 MS. MILLER: And, I d like one thing, ANC took a  
18 position last night, and I have filed it and given it to the staff  
19 to please distribute to you. ANC very much endorses this.

20 CHAIRPERSON HOOD: Okay, thank you.

21 Mr. Bastida, do we have that?

22 MS. MILLER: The resolution I just handed you.

23 CHAIRPERSON HOOD: Okay, the resolution from the  
24 ANC. Okay.

25 Colleagues, any questions okay, we do have it

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1 any questions of Ms. Miller, Commissioner Miller?

2 Okay, thank you.

3 MS. MILLER: I hope you ll take the time to read the  
4 professor s report on economics, and it deals with universities  
5 and cities, so I think you ll find it very interesting if the  
6 Zoning Commission is going to handle it, it will be a good  
7 background for you to know.

8 CHAIRPERSON HOOD: Okay, thank you for your  
9 testimony.

10 Okay, next we are going to oh, here it is next  
11 we ll have the Foggy Bottom Association, Ms. Eleanor Becker, Vice  
12 President.

13 MS. BECKER: Good evening, Chairman Hood and members  
14 of the Commission. I am Eleanor Becker, and I m Vice President  
15 and also a Past President of the Foggy Bottom Association, and I m  
16 speaking this evening for the Foggy Bottom Association, Michael  
17 Thomas, our President, is out of the country.

18 The FBA is a member of the Federation of Citizens  
19 Association and supports its stand on this issue. Again and  
20 again, I ve heard the language which we had long hoped would  
21 protect us, that language about university plans and projects  
22 being approved only if they are not likely to become objectionable  
23 to neighboring property because of noise, traffic, et cetera, et  
24 cetera. Again and again, the BZA, as far as we re concerned, has  
25 made decisions as if that language doesn t exist. Even though it

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1 should be inked permanently on the inside of their lists, and more  
2 importantly emblazoned inside their brains.

3 In my opinion, the most egregious example of  
4 official disdain for that language is shown in the photos  
5 attached, and you have my statement. Mr. Herbert Tallisman s home  
6 at 837 New Hampshire Avenue, immaculately maintained and a  
7 showcase of multi-season shrubs and flowers, is just 60 short  
8 steps from the loading dock for the BZA approved G.W. Hospital.  
9 The first photo was taken from his front door, where he will now  
10 gaze upon a 60-foot dock entrance strategically located at the  
11 point in the G.W. property closest to a residence.

12 He, and the hundreds of daily passers by, will  
13 contend with large at least one 18-wheeler per day and small  
14 trucks hauling all manners of supplies in and garbage, trash and  
15 waste out, some flammable, some hazardous, and mostly noxious.

16 The narrow street will be blocked frequently during  
17 the day, but don t worry, says the BZA, perhaps after some passage  
18 of time the Tallisman s will be able to ignore the melodious sound  
19 of the back-up warning alarms, as well as the sibilant sounds of  
20 the dock doors opening and closing up to 100 times a day.

21 Yes, of course, the BZA approved the project. It  
22 was not objectionable to neighboring property. What a joke and  
23 what a travesty.

24 And, the BZA Chair suggested to residents at a  
25 campus plan hearing that since we chose to live in Foggy Bottom we

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1 should stop fussing just because G.W. is swallowing our  
2 neighborhood. We have only ourselves to blame.

3 We do ask that you and the Zoning Commission assume  
4 jurisdiction over universities and similar institutions, but only  
5 if you promise to emblazon those precious words inside your  
6 brains.

7 Thank you.

8 CHAIRPERSON HOOD: Thank you, Ms. Becker. If you  
9 will hold your seat for one second, colleagues, any questions?

10 Okay, thank you.

11 Next the Citizens Association of Georgetown, Ms.  
12 Barbara Downs, President. Is anyone here representing the Citizens  
13 Association of Georgetown? Going once, gone.

14 Okay, next, I have one more group that is not  
15 actually I have some individuals before this group, but I know  
16 the groups have five minutes, so I m going to ask R. Herzstein,  
17 okay, Mr. Herzstein, Neighborhoods for a Liveable Community.

18 MR. HERZSTEIN: Thank you.

19 I m Robert Herzstein, speaking on behalf of  
20 Neighbors for a Liveable Community. We are an organization that s  
21 been in existence for about 15 years, which coordinates the  
22 various community organizations around American University, in  
23 conjunction with the negotiations and dealings with American  
24 University and campus plan matters.

25 I think, by the way, I won t need the entire five

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1 minutes. I ll try to keep my comment very short.

2 We worked carefully and extensively with all the  
3 neighborhood communities in 1987 through 1990 on the previous  
4 campus plan, which is currently expiring, and we have been working  
5 during the past year, and talking with American University  
6 extensively, on the current campus plan. So, my comments are based  
7 on that experience.

8 I would like to endorse the comment made by one of  
9 the previous speakers, that the current system is badly broken and  
10 needs to be fixed promptly. The standard itself, when you read  
11 it, seems quite adequate. A university can exist in a residential  
12 community, but only if it is not likely to have adverse impact on  
13 neighboring property, very broad, very comprehensive, it looks  
14 like something of a Magna Carta for neighborhoods as they seek  
15 protection.

16 In fact, when you go through the process at the  
17 BZA, you find that those words are not really applied. The BZA  
18 seems to act as though there is a presumption, and I think the  
19 experience shows that they act as though there is a presumption,  
20 that what the university wants to do is okay, and it s up to the  
21 neighbors to establish that there is such a severe problem that  
22 the activity should not be allowed.

23 As the article by Doctor Shalit, which was given to  
24 you earlier, indicates, the neighbors, during these proceedings  
25 the pressure is on the parties to come to an agreement, so what

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1 should be a standard that protects neighbors against a university  
2 becomes really a starting point for negotiations. Yes, we are not  
3 allowed to do this, but we are going to get away with it, so let s  
4 bargain about it, instead of being a standard that can be enforced  
5 against the party who is supposed to be meeting his obligations  
6 under the law.

7 A second comment I would have is that, since the  
8 time these regulations were written in the 1950s, the universities  
9 have become a much more dynamic and forceful cause of problems in  
10 our residential communities. At that time, the residential  
11 communities themselves were not as dense and as well established,  
12 and carefully maintained, as they are now, some 50 years later,  
13 and the universities, of course, were much smaller. I think as  
14 that regulation was administered over the years it tended to focus  
15 on what we call the specific impacts or the micro issues, is a  
16 particular building or a particular light going to create problems  
17 for a particular property, and in the hearings there are, of  
18 course, often many issues of that nature.

19 What we have found, and I think what is much more  
20 broadly the case these days, is that the macro impact of a large  
21 university on a neighborhood, and on the city as a whole, is  
22 becoming much more dominant and much more important. Things like  
23 simply the total number of students, the total number of cars  
24 coming and going every day, the impact on neighborhood streets, on  
25 traffic patterns, on shopping, these macro impacts badly need

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1 attention, and it has simply not been the habit in our view of the  
2 BZA to look at those. We believe that an examination of those is  
3 entirely appropriate as a legal matter under the standard that s  
4 set forth in the regulation, but it is still administered as  
5 though it were only these micro impacts that mattered, and there,  
6 as I mentioned in my earlier part of my comments, and as you heard  
7 from the Foggy Bottom witnesses, even the micro impacts, the  
8 specific impacts, are not very well attended to.

9 Thank you very much.

10 CHAIRPERSON HOOD: How is your name pronounced,  
11 Herzstein or Herzstein?

12 MR. HERZSTEIN: Either one, I never have noticed.

13 CHAIRPERSON HOOD: Oh, I m sorry.

14 MR. HERZSTEIN: That s all right.

15 CHAIRPERSON HOOD: Either one, okay. Never had that  
16 happen to me before, either one.

17 Colleagues, any questions?

18 Okay, thank you.

19 MR. HERZSTEIN: Thank you.

20 CHAIRPERSON HOOD: Next I m going to call these  
21 individuals up three at a time if that s okay, Mr. Guy Gwynne,  
22 Charles Mallett and William Harrup. I believe I pronounced all  
23 those correctly. If not, when you come up you can state your  
24 name, and let s start in that order in which your name was called.

25 MR. GWYNNE: Are you collecting testimony tonight?

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1 CHAIRPERSON HOOD: Oh, yes.

2 MR. GWYNNE: For the record, I m Guy Gwynne, the  
3 President of the D.C. Federation of Citizens Associations, and  
4 tonight I want to note briefly the Federation s stated support for  
5 the transfer of responsibility for review of campus plans from the  
6 Board of Zoning Adjustment to the Zoning Commission.

7 It s been well pointed out by several Council  
8 members in a September 8 letter to the Commission that our current  
9 zoning arrangements date from a principle embodied in the 1956  
10 Lowes Plan that educational uses are basically compatible in  
11 residential areas, and that s why we see so many of these  
12 universities that are impacting badly in our best and most  
13 desirable residential neighborhoods and in our comfortable middle  
14 class neighborhoods also.

15 Since the 1950s, however, our universities have  
16 grown exponentially in terms of enrollment, campus related  
17 structures on the campus, and severe negative impact off campus on  
18 the surrounding communities. The Federation represents all of  
19 these communities except one, there are 15 of them.

20 In terms of practical results, the past two decades  
21 of BZA handling of university campus plans has been disastrous for  
22 some of our communities. The regulations have been poorly  
23 applied, apparently, poorly understood, and in some instances  
24 provisions have been applied in a way opposite to that intended by  
25 the obvious regulations, in terms of the usual noise, number of

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1 students, traffic, and other negative impacts, as stated in the  
2 regulation.

3 The mayor said at our last Federation banquet,  
4 Some of our communities are sinking under the impact of  
5 universities. It is true, ladies and gentlemen. Apart from  
6 these considerations, the Federation believes the Zoning  
7 Commission is better situated to deal most effectively with campus  
8 plans, and we agree wholeheartedly with the Office of Planning on  
9 that. The Board of Zoning Adjustment is tasked, essentially, with  
10 smaller, single tract case review, such as exceptions for smaller  
11 matters in residential areas, smaller projects under the PUD size,  
12 and so forth. The Zoning Commission is charged with looking at  
13 large PUDs, amending the regulations as necessary, and taking a  
14 broader first instance view of zoning laws, definitions, and  
15 enforcement requirements.

16 As the defining rulemaking authority, the  
17 Commission can deal better with problems of size and impact,  
18 anomalies as they appear, and changing situations as they occur.

19 We've testified, and I will not go into it any  
20 farther, we've testified at length on these matters at the recent  
21 Commission roundtable, for which I congratulate all of you.

22 This Federation, in closing, strongly urges the  
23 Commission to take responsibility for campus plan applications and  
24 processing, and to process them under new regulations that are in  
25 the process of being repaired.

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1           If there were a way to postpone the consideration,  
2           in other words, change the decision that has been made and allow  
3           the Georgetown, and George Washington and American University  
4           campus plans to be considered under the new regulations, we would  
5           appreciate it very much, and we recommend that also.

6           Thank you, sir.

7           CHAIRPERSON HOOD: Thank you, Mr. Gwynne.

8           Any questions, colleagues?

9           Okay, next.

10          MR. MALLETT: My name is Charles Mallett. I m on  
11          the Board of the Burleigh Citizens Association.

12          After considerable discussion and debate covering  
13          this particular issue, we have come with a letter addressed to Ms.  
14          Kress which states as follows: The Burleigh Citizens Association  
15          passed the following resolution on Wednesday, November 15, at its  
16          regular Board meeting. The Burleigh Citizens Association supports  
17          the transfer of the responsibility for the campus plan oversight  
18          from the Board of Zoning Adjustment to the Zoning Commission.  
19          Respectfully Submitted, thank you.

20          CHAIRPERSON HOOD: Okay, do we have a copy?

21          MR. MALLETT: I ll provide a copy.

22          CHAIRPERSON HOOD: Okay, thank you.

23          Thank you, Mr. Mallett.

24          Next, Mr. Harrup. I believe I m pronouncing that  
25          correctly.

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1 MR. HARRUP: Harrup.

2 CHAIRPERSON HOOD: Harrup, okay. You need to turn  
3 your mic on.

4 MR. HARRUP: My name is William Harrup, I m the  
5 President of the Spring Valley Wesley Heights Citizens  
6 Association. This is an association of 1,250 households. We  
7 extend around two sides, two and a half sides really, of the  
8 American University campus.

9 The American University campus dominates our part  
10 of Northwest Washington. It s the largest employer, the largest  
11 tract of land. It is a cause of tremendous amount of traffic, of  
12 parking, of noise, of activities of every sort. It very  
13 distinctly has an impact upon the quality of life of our  
14 neighborhood.

15 We feel it s important that the Zoning Commission  
16 assume jurisdiction over the campus plans of the City. We feel  
17 that the Zoning Commission, with a broader responsibility, a  
18 broader mandate, and a broader outlook on matters which affect  
19 larger areas of the District, is the appropriate body to take  
20 responsibility for this.

21 We heartily endorse the transfer, the proposed  
22 transfer. I would like to add one other point. I m very  
23 concerned to have heard tonight the Consortium of Universities  
24 argue that despite the fact that there has been no hearing for the  
25 American University plan, that that plan should, subsequent to the

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1 transfer, assuming you go ahead with it, should still be processed  
2 by the Board of Zoning Adjustment. We think that would be entirely  
3 inappropriate. Not only has there been no hearing, and none is  
4 now, I think, scheduled until late in February, in fact, the AU  
5 plan which was filed is a work in progress. It was filed in the  
6 midst of consultations with neighbors, which were really not even  
7 half completed when the plan was filed. The university itself  
8 acknowledges that the intensive consultations we are now engaged  
9 in, with the help of presence of Office of Planning personnel,  
10 that those consultations are going to result in major rewriting,  
11 in fact, essentially, probably a new submission from American  
12 University, a new campus plan submission. I would urge that that  
13 new campus plan from American University be reviewed under the  
14 authority of the Zoning Commission.

15 Thank you very much.

16 CHAIRPERSON HOOD: Okay, colleagues, any questions?

17 COMMISSIONER FRANKLIN: Mr. Chairman, yes, if I  
18 might, since we have three representatives of three different  
19 neighborhoods and three different university neighborhoods here,  
20 as I understand it, G.W., Georgetown and A.U., correct?

21 MR. GWYNNE: I m the let me put Ms. Ellie Becker  
22 here for Foggy Bottom.

23 COMMISSIONER FRANKLIN: Okay, if the colleagues  
24 don t mind.

25 CHAIRPERSON HOOD: No, Ms. Becker, if you could back

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1 to the table, please.

2 COMMISSIONER FRANKLIN: I m curious, if a major  
3 source of problems with the universities is the lack of on campus  
4 housing for under graduates, if there were on campus housing for  
5 under graduates, to what degree would that, in your view,  
6 ameliorate the problems that you see with the proximity of these  
7 institutions?

8 MS. BECKER: That definitely would assist at G.W.,  
9 but even within the campus plans it seems to us that there really  
10 still isn t enough, because enrollment just keeps growing and  
11 growing, and there is more need for them to be outside the campus.

12 COMMISSIONER FRANKLIN: Do you happen to know what  
13 percentage of under graduates are housed on campus?

14 MS. BECKER: No, I do not.

15 COMMISSIONER FRANKLIN: Any others?

16 MS. BECKER: It s fairly low, I think.

17 MR. MALLET: Commissioner Franklin, did I  
18 understand you to say graduates or under graduates?

19 COMMISSIONER FRANKLIN: Under graduates.

20 MR. MALLET: Under graduates, with the increase  
21 requested on the ten-year campus plan by Georgetown University of  
22 500 students over the next ten years, with absolutely no provision  
23 being allowed for housing them on campus, it s an unending  
24 position. It s just not going to happen, they are going to  
25 continue to be in the neighborhood, so to speak.

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1 COMMISSIONER FRANKLIN: And, A.U.?

2 MR. MALLETT: At A.U., it would certainly alleviate  
3 our problems to have students entirely housed on campus. It would  
4 not affect the very difficult traffic and parking encroachment  
5 into the neighborhood. And, I think also, it could not go on  
6 without a ceiling. You could theoretically house a great many  
7 students on a piece of property that large, but even though the  
8 students were housed on the campus the volume of activities that  
9 that causes would still be a problem for the community.

10 It would help, Commissioner Franklin, you are  
11 right. I think that the proposal that any proposals in campus  
12 plans to increase the size of the population of the universities,  
13 any increase should be housed and parked on the campus. I think  
14 that s a very important aspect, I hope that will appear in the new  
15 regulations.

16 COMMISSIONER FRANKLIN: Thank you.

17 MS. BECKER: May I make a further comment?

18 MR. MALLETT: Commissioner Franklin, one other  
19 point. There is, according to Georgetown University, they are  
20 going to double their post-graduate admissions. Where are they  
21 going to live? So, there is that impact on that community as well  
22 that should not be neglected.

23 And, if I could make one final

24 CHAIRPERSON HOOD: Let me have some order, hold on  
25 one second, please.

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1 Commissioner Franklin, has your question been  
2 answered?

3 COMMISSIONER FRANKLIN: Yes, thank you.

4 CHAIRPERSON HOOD: Okay.

5 I see two more people that would like to answer  
6 your question, your answer must be your question

7 COMMISSIONER FRANKLIN: I didn't want to convert  
8 this into a campus plan hearing, I was just curious because people  
9 are from a wide cross section, I just was wondering whether there  
10 was a common theme. I just don't want to pursue this at great  
11 length here.

12 CHAIRPERSON HOOD: Okay.

13 My colleague does not want to pursue it, so he  
14 asked for the three, I'm sorry to have to cut you off because we  
15 could have another hearing. There will be opportune time for us  
16 to be able to hear that. Thank you.

17 Okay, next we'll have Mr. Dino Drudi, Mr. Tony  
18 Norman and Doctor Marc Weiss. Again, there will be opportune time  
19 for us to get your comments.

20 Okay, Mr. Norman, since you are ready.

21 MR. NORMAN: Tony Norman. I'm with the Pleasant  
22 Plains Civic Association. We are in the immediate Howard  
23 University area in regards to the Howard University issue.

24 Also, I've had the opportunity of working with the  
25 Foggy Bottom Association, and the ANC-2A and the community around

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1 the Catholic University area in regard to these same issues.

2 Let me jump straight to the heart of the matter  
3 here. We primarily support the Office of Planning initiative that  
4 this should be transferred to the Board of Zoning excuse me, the  
5 Zoning Commission, primarily for two major reasons, one, the more  
6 broader policy implications, and two, enforcement.

7 I want to also hit upon Commissioner Franklin s  
8 question in regards to the Howard University community, the  
9 housing issue is not as acute or much of a problem as it is in the  
10 other areas, but the biggest problem is how does the university  
11 see the community surrounding it. For instance, the Board of  
12 Zoning Adjustment s goal is much more narrow and focused, the  
13 standard that you have to meet, what a community objects to, the  
14 noise, traffic, what have you, but what about the concerns in  
15 regard to the broader picture, like the businessmen along Georgia  
16 Avenue may see that development along Georgia Avenue differently,  
17 and the City sees that development along Georgia Avenue  
18 differently, but yet the university s campus plan see Georgia  
19 Avenue, which borders the university, totally different than any  
20 of those. So, there should be some sort of consistency about that  
21 when the universities expand, that they take under consideration  
22 how the neighborhood sees the growth of that university excuse  
23 me, the growth of that community and the future of that community,  
24 not to mention preservation issues, open space issues, and street  
25 closings.

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1                   So, you have these much broader issues that the  
2 Board of Zoning Adjustment that you can pass the standard in  
3 terms of the Board of Zoning Adjustment, but you never get to the  
4 much more broader issues. For instance, Howard University  
5 mentioned about a morgue in their medical facilities in the area  
6 of Georgia Avenue, which the community strongly objected to, that  
7 was not consistent with the broader implications, and other things  
8 in terms of expanding their athletic facilities over in the  
9 Banneker Field, that is a much broader policy. The neighborhood  
10 asks the question of where our community is headed, and we'd like  
11 the universities to be on the same page as to where the city is,  
12 as to where the community is.

13                   So, therefore, for those reasons we support this  
14 going to the Zoning Commission, and then one other issue I really  
15 want to stress is enforcement. We all come to an understanding  
16 when we come before the Board of Zoning Adjustment, we put it down  
17 in writing, we put the conditions on the order, but they are  
18 constantly violated by the universities. What is the enforcement  
19 mechanism, the Board of Zoning Adjustment does not seem either  
20 able enough or willing enough to do something about it. So, we  
21 think that the Zoning Commission, maybe during the time you are  
22 taking this under consideration, would seriously consider  
23 enforcement mechanisms to make sure that the universities stick to  
24 their campus plan, their commitment, and not be so broad and vague  
25 that they can do virtually anything.

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1 Thank you, Mr. Chairman, and thank you, members of  
2 the Commission.

3 CHAIRPERSON HOOD: Thank you, Mr. Norman. Let s go  
4 back to Mr. Drudi.

5 MR. DRUDI: Thank you, Chairman Hood.

6 I am Dino Joseph Drudi. I am the Secretary of the  
7 Michigan Park Citizens Association.

8 The Michigan Park Citizens Association Executive  
9 Board met on 20 July and authorized the Association to support the  
10 campus planning reforms developed by the Federation of Citizens  
11 Associations Campus Planning Task Force.

12 The Association s testimony before the Zoning  
13 Commission s 27 July hearing, and the positive publicity it  
14 received, was welcomed by the Association s membership at its  
15 first business meeting on 3 October.

16 Michigan Park and the adjoining Catholic University  
17 of America have harmoniously coexisted for over a century,  
18 although recent years have seen a rise in tensions between  
19 permanent residents and rowdy student houses.

20 In the interim between the 27 July hearing and the  
21 3 October Association meeting, rowdy students in three houses had  
22 so disrupted our neighborhood as to merit coverage in the  
23 electronic and print media.

24 Our stable, middle class, mixed racial neighborhood  
25 is not so secure as to withstand such shocks. If its permanent

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1 residents start to leave because of rowdy student houses nearby,  
2 the neighborhood could turn into a high crime, low income area,  
3 much like those near Columbia and Yale. This would be as damaging  
4 to our neighboring university and the mainly Catholic religious  
5 institutions concentrated in our community, as it would be to us.

6 We, therefore, have taken great interest in these proceedings.

7 Issues of this sweeping a magnitude cannot be  
8 adequately addressed by the Board of Zoning Adjustment, whose  
9 primary purpose is adjusting relatively mundane zoning matters. A  
10 board so finely focused cannot reasonably be expected to astutely  
11 refocus to deal with something so large and complex as a  
12 university, which might cover a square mile and impact several  
13 more. The Zoning Commission, more enured to handling projects of  
14 such scope, is better suited to handling campus plans.

15 Treating campus plans as special exceptions seems  
16 ironic, if not odd. It implies universities are inherently a non-  
17 conforming use. It once allows all the zoning laws to be waived  
18 for the university s benefit, the social costs of doing so being  
19 painfully obvious in many adjoining residential communities city-  
20 wide, while in theory at least, conditioning every university s  
21 continued existence on the government s sole sufferance, rather  
22 than as a matter of right.

23 More than one university has behaved so as to all  
24 into question whether that sufferance ought to be continued, and  
25 if on account of their continued imperious disregard of their

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1 neighbors, some day it is not, this would unmistakably been seen  
2 as no mere zoning adjustment.

3 Thank you, Mr. Chairman and members.

4 CHAIRPERSON HOOD: Thank you, Mr. Drudi.

5 I ll ask both of you to remain at the table, we may  
6 have questions of all of you when Doctor Weiss finishes.

7 Doctor Weiss.

8 DOCTOR WEISS: Thank you, Mr. Chairman and  
9 distinguished Commissioners, I m Doctor Marc Weiss. I m a public  
10 policy scholar at the Woodrow Wilson International Center, which  
11 is part of the Smithsonian Institution, and I m here tonight as a  
12 long-time board member of the D.C. Federation of Citizens  
13 Associations, here to speak in support of the proposal, as I did  
14 when you held that great forum a few months back looking into this  
15 issue, that the Zoning Commission should take on the review of the  
16 campus plans for the reason I was going to point to the chart,  
17 but then it got taken away a minute ago the third bullet on the  
18 chart I think said it all, which is that the Zoning Commission has  
19 the broader city-wide perspective in looking at the impacts of  
20 planning and development, and that s exactly the kind of expertise  
21 and perspective that s needed in order to properly evaluate and  
22 make decisions regarding campus plans.

23 I have grappled with this issue for several years  
24 now, going back to my role as the coordinator of the City s  
25 Strategic Economic Development Plan in 1997 and 1998, in which we

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1 very much supported and wanted to encourage the growth of  
2 universities as a contribution, both to the economic and the  
3 cultural life of the City. They are good things, and they should  
4 be here, and they should be able to expand.

5 However, they should not be expanding at the  
6 expense of neighborhoods and driving away residents and local  
7 businesses, because those are also extremely important for the  
8 prosperity and quality of life of our City.

9 So, what is the win/win solution? Again, I think  
10 you are in a unique and special role to explore, you know, what  
11 the good side the Georgetown neighborhood fights hard with  
12 Georgetown University, but there s the good example that I always  
13 like to cite, which is the location of the Georgetown University  
14 Law Center, which didn t go in the Georgetown neighborhood, went  
15 in another part of the City where it did not displace anyone, it  
16 did not have any negative impacts, indeed, it served as a positive  
17 contribution to economic development and was welcomed by the  
18 neighborhood.

19 I think there are many more opportunities for  
20 universities, American, Georgetown, George Washington, Catholic,  
21 all across the board, to find other locations in the District of  
22 Columbia to put graduate professional facilities, in particular,  
23 that attract older evening students, that tie in more closely with  
24 the resources of Washington, D.C., that contribute positively to  
25 economic and community development in downtown neighborhoods, and

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1 that s something where the Zoning Commission can play an important  
2 role in encouraging a win/win for neighborhoods and for  
3 universities, and most of all for the City.

4 Let me just say in my 47 seconds left that on an  
5 issue you dealt with earlier, without commenting on it, I know you  
6 haven t held yet any public hearings on the electronic equipment  
7 facilities and the emergency rulemaking you ve been dealing with,  
8 I strongly urge you, as soon as you are able to, to schedule  
9 public hearings. This issue has very serious and important  
10 impacts on the economic development in our City, particularly,  
11 related to technology districts and technology industries, and I  
12 would invite you to review carefully the background paper that I  
13 prepared on that issue.

14 Thank you very much.

15 CHAIRPERSON HOOD: Okay, thank you.

16 Colleagues, any questions of these fine gentlemen  
17 at the table on the transfer of the campus plans. No questions?

18 Okay, thank you.

19 Anyone else wishing to testify? Okay. If you  
20 could come did you fill out two witness cards? If not, you can  
21 come to the table and you can fill it out later. Thank you.

22 MR. ANDREW: My name is Robert Andrew, Vice  
23 President of the Foxhall Community Citizens Association and Past  
24 President.

25 I waited until now to make sure I wasn t

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1 repetitive. I want to build on something Doctor Weiss had to say,  
2 with a particular example of expanding in a non-residential  
3 location, an example that has to do with the Wormly School. I use  
4 that as an example where Georgetown University had proposed,  
5 instead of  
6 an administrative building, turned that into a public policy  
7 institute. And, the point was, the university had made to us, was  
8 that they could do that as of right.

9 I would suggest to you that the Zoning Commission  
10 is a better group to deal with those kind of city-wide issues, in  
11 terms of where universities choose to build their extra  
12 facilities.

13 It s really one more case example in addition to  
14 the existing precedent they already have with the Georgetown Law  
15 School.

16 Ladies and gentlemen, that s all that I had.

17 CHAIRPERSON HOOD: Thank you.

18 Any questions of Mr. Andrew?

19 If you can just fill out two witness cards, we  
20 would really appreciate it.

21 There are no further people wishing to testify.  
22 Colleagues, I will say that we had an issue brought up by Mr.  
23 Childers from the Consortium of Universities, asking for some  
24 additional time. I would like to open it up for discussion. I  
25 would be inclined to extend it until November the 22<sup>nd</sup>, which would

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1 give him four working days, four business days, working days.

2 COMMISSIONER HOLMAN: Yes, Mr. Chairman, I guess I  
3 would support that, if that s what you are offering, because  
4 certainly four days is better than two days, which is better than  
5 no days, and so to that extent, you know, given the kind of  
6 schedule we ve imposed upon ourselves, and the fact that it s been  
7 out for a period of time, I think that s what we have to offer and  
8 I d support that.

9 CHAIRPERSON HOOD: Okay.

10 Colleagues, any other comments, questions? As soon  
11 as I find my closing statement, here it is

12 MR. CHILDERS: Mr. Chairman, may I respond to your  
13 comment?

14 CHAIRPERSON HOOD: Sure, you can come to the table  
15 and ask one quick question.

16 MR. CHILDERS: In response to the discussion that  
17 got a little away from the question of transfer earlier, I just  
18 wonder if the Commission would be amenable to receiving a document  
19 we prepared for the City Council on the percentages of students  
20 living on campus at District institutions.

21 COMMISSIONER FRANKLIN: I would be very interested.

22 CHAIRPERSON HOOD: I see some more hands. I want to  
23 be fair about this, because I did let Mr. Childers come to the  
24 table. Ms. Miller?

25 We re going to have roundtable 2.

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1 MS. MILLER: Thank you very much. I think it s very  
2 important that Mr. Franklin understands that in our neighborhood  
3 17 residential apartment buildings have been taken over by G.W.  
4 They have taken over Columbia Plaza, they now have the major  
5 lessor rights and every student they put there, the student has to  
6 pay G.W., not the real estate people, \$300.00.

7 And, really, what more can we do, and you ask about  
8 housing, they have about 3,446 students on campus of the 20,000, I  
9 think it comes to something like between 7,000 and 8,000 under  
10 graduates, and that doesn t count the graduates. And, with the  
11 housing they are proposing, they don t own the land, and if they  
12 can get the land then they would build the housing. And, they ve  
13 gone outside of that and bought other properties that should have  
14 come before the Zoning Commission.

15 CHAIRPERSON HOOD: Let me just say this, Ms.

16 MS. MILLER: And, I thank you.

17 CHAIRPERSON HOOD: let me just say this, we do  
18 have some people that are sitting on one of the campus plans, and  
19 I m not going to call their name, we don t want to provide  
20 testimony in this forum that might subject him to have to recuse  
21 himself. I m not exactly sure how far they are along in that.

22 There was one other person I wanted to recognize  
23 I just wanted to make sure that we were on the same page, because  
24 we don t want that person to have to recuse themselves.

25 MS. MILLER: Never. Never. Never. Never. Thank

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1 you.

2 I just wanted Mr. Franklin to have a basic  
3 understanding of how bad our problem really is.

4 CHAIRPERSON HOOD: Okay, thank you, Ms. Miller.

5 There was one other person who motioned to me that  
6 they wanted to say something, respond to a question, and this is  
7 the last person, and that s going to be Mr. Gwynne.

8 MR. GWYNNE: Thank you, Mr. Chairman. I also wanted  
9 to address Mr. Franklin. You seem to be the star tonight. No,  
10 it s basically, as I read your question, and I ll be very brief,  
11 you basically asked if the universities could contain themselves,  
12 their student bodies and their buildings and their activities, on  
13 campus, would the communities care all that much?

14 And, as Ambassador Harrup did point out, yes, there  
15 would be some spillover. But, 95 percent, my estimate, of town  
16 gown problems is based on the off-campus students. If we can work  
17 that problem out by hook or crook, we are not going to have these  
18 constant bitter relationships that we have.

19 I m an alumnus of Georgetown University, I would  
20 love to be on a pleasant basis with those people, but it s just  
21 not working out. It s that way all over the City, and it stands,  
22 unless you folks can step in here, especially the Office of  
23 Planning, this bitterness is going to spread to Catholic and  
24 American University is ginning up already, as you see, with their  
25 communities negatively, it will spread to Catholic University, and

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1 I was talking with the Gallaudet people just the other day, they  
2 have off-campus people too and some problems with their  
3 neighborhoods, which we've never even looked into at the  
4 Federation.

5 So, that's briefly what I wanted to say. Thanks.

6 CHAIRPERSON HOOD: Okay, thank you.

7 With that, colleagues, if everything is in order,  
8 we'll now adjourn our I'll read our closing statement for our  
9 hearing.

10 Ladies and gentlemen, the other members of the  
11 Commission and I wish to thank you for your testimony and  
12 assistance in this hearing. The record in this case is now I'm  
13 sorry, the record in this case will be kept open until November  
14 the 22<sup>nd</sup>, specifically, for response from the Consortium of  
15 Universities, from Mr. Childers' response, to November 22<sup>nd</sup>.

16 Any special information or reports specifically  
17 requested by the Commission must be filed no later than the close  
18 of business at 4:45 p.m., on November the 22<sup>nd</sup>, in Suite 210 of  
19 this building, 441 4<sup>th</sup> Street, N.W.

20 The Commission will take final action on this case  
21 at a future public meeting, the date of which is yet to be  
22 determined. Upon taking final action, a written order will be  
23 published. The proposed action will also be referred to the  
24 National Capitol Planning Commission for their information.

25 If any individual is interested in following this

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1 case further, I suggest that you contact staff to determine  
2 whether this case is on the agenda of a particular meeting.

3 Before I close this meeting, we ll be going back to  
4 Zoning Commission Case 00-28 in five minutes.

5 I now declare this hearing closed.

6 (Whereupon, the above-entitled matter was concluded  
7 at 8:56 p.m.)

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