BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION
Case No. 10-32

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUBMITTED BY ANC 2E, THE CITIZENS ASSOCIATION OF GEORGETOWN, AND THE BURLEITH CITIZENS ASSOCIATION

Application of the President and Directors of Georgetown College, pursuant to 11 DCMR §3104.1, for a special exception for the review and approval of the University Campus Plan - 2010-2020 under Section 210 in the R-3 and C-1 Districts at premises bounded by Glover Archbold Parkway to the west, the National Park Service property along the Chesapeake & Ohio Canal and Canal Road to the south, 35th Street, N Street to 36th Street, and 36th Street to P Street to the east and Reservoir Road to the north (Square 1222, Lots 62, 801-810; Square 1223, Lots 85-86, 807-810, 812, 815, 826, 827, 831, 834, 846-847, 852-853, 855, and 857-858; Square 1226, Lots 91, 94-101, 104-105, 803-804, 806, and 811-815; Square 1248, Lots 122-125, 150-157, 800-802, 804-806, 829-831, and 834-835; Square 1321, Lots 815-817.)

HEARING DATES: April 14, May 12, May 16, June 2, June 6, June 20, and November 17, 2011.

DECISION DATES: February 9, 2011.

ORDER DATE:

PRELIMINARY MATTERS

1. The President and Directors of Georgetown College ("University") filed an application on December 30, 2010 for review and approval of the Georgetown University 2010–2020 Campus Plan ("Proposed Campus Plan").

2. The University filed its Prehearing Submission on March 31, 2011. The prehearing submission supplemented and amended the Proposed Campus Plan submitted in December 2010.

3. The Zoning Commission held a regular public hearing on April 11, 2011 and took up some preliminary matters in Z.C. 10-32. Because the prehearing submission filed by the University on March 31, 2011 contained a number of material changes to the Proposed Campus Plan, the Office of Planning ("OP") and the District Department of Transportation ("DDOT") requested additional time until May 12 to submit their reports to the Zoning Commission (Exs. 28 & 29). Advisory Neighborhood Commission 2E ("ANC 2E') concurred with this request and asked the Commission to adhere to the

regular order of presentation so that they might present their testimony after the OP and DDOT made their presentations (Ex. 30). The Commission approved the requests and stated the regular order of presentation would be followed (April 11, 2011 Transcript, at 54-55).

4. On April 14, 2011, the Zoning Commission convened the public hearing of Case No. 10-32, the Georgetown University Campus Plan 2011-2020. Due to the large number of parties, witnesses, and exhibits, the hearing was continued on May 12th, May 16th, June 6th, June 20th, and was concluded on November 17, 2011.

5. ANC 2E was admitted as a party in this proceeding. Additionally, the Commission received applications for party status in opposition to the application from the Citizens Association of Georgetown ("CAG"), the Burleith Citizens Association ("BCA"), Advisory Neighborhood Commission 3D ("ANC 3D"), and the Foxhall Community Citizens Association ("FCCA") (Exs. 20, 21, & 22). These requests were granted.

6. On June 20, 2011, the Commission reconvened the hearing and entertained a request from the University for a continuance in the proceedings until September 19, 2011 (Ex. 279). DDOT submitted a request supporting the requested continuance, but with a continuation date of October 24, 2011 (Ex. 291). The University concurred with the DDOT request (Ex. 318). The CAG and BCA opposed the continuance and requested that the traffic and transportation issues be severed from the remaining parts of the Proposed Campus Plan and that the hearing on those parts be concluded that evening (Ex. 310; June 20 Transcript at 12). ANC 2E, ANC 3D, and FCCA also opposed the request for a continuance (June 20 Transcript at 13-18). OP supported the proposal to bifurcate the proceedings and conclude on non-transportation issues that evening (June 20 Transcript at 19). The Commission voted to approve the continuance until November 17th with the intent of concluding the hearing on that date (June 20 Transcript at 56-57). The record was closed to the general public, but left open to the parties (June 20 Transcript at 57).

SUMMARY OF PROCEEDINGS

The Proposed Campus Plan

7. The Georgetown University campus comprises 104 acres zoned R-3 or C-1 located within the Georgetown Historic District. The campus is roughly bounded by the Georgetown neighborhood to the east, Reservoir Road and the Burleith and Hillandale neighborhoods to the north, Glover-Archibald Park and the Foxhall neighborhood to the west, and Canal Road and the Potomac River to the south. The southern two-thirds of the campus contain the majority of the University's academic, administrative, residential, and athletic facilities, and the northern third of campus is occupied by both Georgetown University Hospital and the Georgetown Medical Center (Proposed Campus Plan, Ex. 8).

8. The University submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR §210.4 (Proposed Campus Plan, Ex. 8J). The Proposed Campus Plan does not include any proposals to move any major new buildings off-campus or change its boundaries (Proposed Campus Plan, Ex. 8 at 30; April 14, 2011 Transcript at 25). Additionally, the proposed additional gross footage and existing square footage were stated to result in a floor area ratio (FAR) of 1.56, or 0.24 below the 1.8 FAR permitted by the Zoning Regulations. 11 DCMR §§210.3, 402.4 (Proposed Campus Plan, Exs. 8 at 27; 8J).

9. The Proposed Campus Plan anticipates the construction of an Athletic Training Facility, already approved under the 2000 Plan, construction of improvements to multiple athletic, administrative, and academic buildings, an enclosure of Kehoe Field, and improvements to roads and pathways within the campus. The Proposed Campus Plan also calls for improvements to the Medical Center and the Hospital (Proposed Campus Plan, Ex. 8I).

10. On March 31, 2011, the University filed a prehearing submission that supplemented and amended the December 31, 2011 Proposed Campus Plan by: (1) proposing to base undergraduate enrollment on currently permitted levels; (2) proposing a Main Campus total enrollment maximum; (3) adding a total of 250 new beds for on campus students; (4) locating 1,000 School of Continuing Studies students at a satellite campus; (5) reducing the previously proposed Main Campus total enrollment maximum of 16,133 to 15,000 students; (6) restricting the use of Kehoe Field; and (7) building an internal loop road to improve University-provided bus services and route buses off of neighborhood streets. In addition, the prehearing submission withdrew initial proposals to add 1,000 parking spaces (Applicant Prehearing Statement, Exs. 25 & 25A). Certain proposals, including 2-5, were conditioned on the Commission accepting the Plan as amended without change.

11. The Proposed Campus Plan was further amended on June 15, 2011 when the University filed its Rebuttal Submission. The University amended the Proposed Campus Plan to add the following: (1) hiring additional off-duty police officers to augment the existing MPD reimbursable detail and extend coverage to every night during the week, (2) a new late night shuttle bus on M Street, (3) daily trash collection by the University on certain neighborhood streets with student housing, (4) new student parking conditions, (5) instituting a "Community Council" for renewed community engagement, and (6) implementing new reporting processes. In addition to these new proposals, the University removed the proposed MedStar hospital and the proposed realignment of the 38th Street and Reservoir Road intersection from the Proposed Campus Plan (Applicant's Rebuttal Submission, Ex. 273).

12. Six principal witnesses testified on behalf of the University: President John DeGioia, Dr. James O'Donnell, Provost of Georgetown University; Dr. Todd Olson, Vice President for Student Affairs; Mr. Daniel Van Pelt, a transportation consultant from Gorove/Slade; Mr. John Cooper, a land use and urban design expert from Cooper, Robertson & Partners; and Mr. Eric Smart, a real estate economic consultant from Bolan

Smart Associates, Inc.. Mr. Van Pelt, Mr. Cooper, and Mr. Smart were admitted as experts without objection (April 14, 2011 Transcript at 23).

13. Dr. DeGioia, President of Georgetown University, testified that the Proposed Campus Plan would carry forward projects from the 2000 Plan all of which were within current campus boundaries; and would also include new projects: additions to the Langer Library, new academic facilities at the medical center, and the construction of both a student center in the new south building and a new athletic training facility. Furthermore, Dr. DeGioia indicated the University and MedStar were studying a range of options for the construction of a new hospital.

14. To address the concerns of the surrounding neighborhoods about the large number of students enrolled on campus, the University's lack of adequate student housing, and adverse traffic and parking impacts Dr DeGioia stated the University would maintain undergraduate enrollment at existing levels, adopt a voluntary maximum total enrollment (undergraduate plus graduate students) of 15,000 students and locate 1,000 School of Continuing Studies students to an off-campus location by December 31, 2013 and create 250 more beds for undergraduates on or off campus. While acknowledging the community's desire to have 100% of the undergraduates housed on-campus, he cited lack of space, financial restraints, and the desire of some students to live off-campus as reasons the University did not propose to do so. As for parking and traffic issues, Dr. DeGioia reiterated that the University was no longer pursuing additional parking spaces, and that they would continue to improve their transportation system, including the construction of an internal loop road, to reduce traffic impacts (April 14, 2011, Transcript at 36-41).

15. Mr. Cooper described the physical campus and existing and proposed buildings and uses. Mr. Cooper explained the challenges of planning development on the University's tightly compacted campus. He highlighted the proposed new buildings and additions, and the planned improvements to traffic circulation on campus (April 14, Transcript 43-51; Exs. 8B, 8C, 8E, 8F, 8I, 8G, 8U, & 8V).

16. Dr. O'Donnell, University Provost, explained that as part of the Proposed Campus Plan, the University proposed a maximum cap on overall Main Campus student enrollment (covering undergraduate and graduate students), to be coupled with an agreement to maintain traditional undergraduate enrollment at the level approved in the 2000 Campus Plan. The initial maximum cap proposed by the University was 15,000 total students; later reduced to 14,033 total students. According to the University, in the Fall of 2010, Main Campus student headcount was 14,033 students (April 14, 2011 Transcript at 51-53; Proposed Campus Plan, Exs. 8L, 8K, 25A & 42 at 21-22). [The University later amended its Fall 2010 total enrollment to exclude students studying abroad or off campus and include students taking at least one course on campus. The revised total was 13,387 and the revised proposed cap was 14,354 (Ex. 359).]

17. Dr. O'Donnell explained that in concert with the new student enrollment caps the University proposed to adopt a new accounting methodology, the institutional post-secondary education data systems ("IPEDS") used by the US Department of Education

to calculate student enrollment instead of continuing with the methods authorized in the 2000 Campus Plan. The University proposed recalculating the Traditional Undergraduate enrollment cap under IPEDS to authorize a 6,675 traditional undergraduate student ("TUS")program cap (previously capped at 6,016 students). The University contends these numbers are equivalent (April 14, 2011 Transcript at 51-58; Proposed Campus Plan, Exs. 8L, 8K, & 42 at 23-25). , Dr. O'Donnell stated that despite the 659 student increase in the cap, the University would commit to no increase in the traditional undergraduate headcount as defined in the 2000 Plan (April 14, 2011 Transcript at 234-235). He asserted the increased cap was necessary because of the different definitions in IPEDS which included students previously classified by the University as "non-traditional" in its definition of TUS. Dr. O'Donnell also reiterated a commitment not to increase medical student enrollment, and that any "increase in graduate students will be in other categories." (Id. at 238). Additionally, Dr. O'Donnell testified that the University did not intend to increase non-degree undergraduates and School of Continuing Studies ("SCS") undergraduates included in the new proposed maximum cap (Id. at 240, 253).

18. Dr. O'Donnell also stated the University was committing to move 1,000 students at the School of Continuing Studies to an off-campus location by December 31, 2013 (April 14, 2011 Transcript at 36, 51-53, 249-251; Prehearing Statement, Exs. 25A & 42 at 21-22).

19. According to University numbers, total main campus student headcount grew from 10,221 in Fall 2000 at the time of their last Campus Plan submission to 14,033 in Fall 2010, an increase of nearly 4,000 students or almost 40% (Applicant Rebuttal Submission, Ex. 273).

20. Dr. Olson, Vice-President for Student Affairs, reported that there were 4,273 undergraduate beds on-campus in 2000. With the construction of the Southwest Quadrangle, the University added another 780 beds over the course of the 2000 Campus Plan for a total of 5,053 beds in 2010. The Proposed Campus Plan proposes to add another 250 undergraduate beds or a total of 5,303 University-owned beds for undergraduates (April 14 Transcript at 60-61, Proposed Campus Plan, Exs. 8N, 25A, & 42 at 28-29).

21. The University submitted data, along with Dr. Olson's testimony, that it was currently housing approximately 76% of its traditional undergraduates on-campus and with the addition of the 250 beds in the Proposed Campus Plan this percentage would rise to approximately 80%. The University estimated that 1199 undergraduate and 1072 graduate students were living off-campus in zip code 20007 in Spring 2010. Of those numbers, 417 undergraduate students were living in Burleith, and 623 undergraduate students were living in West Georgetown, with 198 graduate students living in Burleith and 91 graduate students in West Georgetown (April 14, 2011 Transcript at 83; Supplemental Submission from Applicant, Exs. 102A & 102E).

22. According to University statistics the total number of undergraduate students living in West Georgetown and Burleith decreased from 1112 in Spring 2000 to 1067 in

Spring 2010. The number of graduate students living in West Georgetown and Burleith increased from 267 in Spring 2000 to 297 in Spring 2010 (Applicant's Rebuttal Submission, Ex. 273M).

23. "Magis Row" is the row of university-owned townhouses located off-campus on the west side of 36th Street, between O and P Streets, and has been used for undergraduate housing since the 1990 Campus Plan. The University acknowledged neighborhood complaints about noise and student misconduct relating to Magis Row, but asserted there is staff supervision over students living in Magis Row and the number of "staff interactions" has been reduced compared with prior years. However, Dr. Olson acknowledged on cross examination that the University data on interactions related to resident complaints may not include the Magis Row townhouses because they are treated as on campus housing(April 14, 2011 Transcript at 155, 243-244).

24. Dr. Olson explained the University's program to manage off-campus student behavior and emphasized three components. First, the University patrols the neighborhoods as part of the Student Neighborhood Assistance Program ("SNAP"). SNAP is comprised of two patrol vehicles staffed by professional staff and security officers. These vehicles patrol the surrounding neighborhoods and respond to disturbance calls from Thursday evenings to Saturday evenings. In 2010, the University augmented SNAP with three off-duty Metropolitan Police Department ("MPD") officers as a reimbursable detail. In addition, the University staffs a 24 hour hotline for neighbors to report objectionable student behavior in their communities (April 14, 2011 Transcript at 61-62; Prehearing Submission, Exs. 25B & 42 at 30). Second, the University in Fall 2010 added two full-time "community advisors", one in Burleith and one in Georgetown. Third, it has implemented "serious sanctions" to address repetitive misconduct from off-campus students (April 14, 2011 Transcript at 63, University Presentation, Ex. 42 at 31).

25. The University submitted data on its off-campus student life program. According to that data, 27% of student residences had one or more SNAP/MPD interactions, with 6% having three or more interactions between Fall 2009 and Spring 2010. In the Fall 2010 semester, 16% of student residences had one or more SNAP/MPD interaction, with only 1% having three or more interactions (April 14, 2011 Transcript at 64, 65, Prehearing Submission, Ex. 25C, Presentation, Ex. 42 at 33). The University also produced data showing the aggregate number of disorderly conduct calls to the MPD in the West Georgetown, Burleith, and Cloisters neighborhoods. In 2008 there were 749 calls, in 2009 there were 653 calls, and in 2010 there were 575 such calls to MPD (Prehearing Submission, Ex. 25D, Presentation, Ex. 42 at 35). Mr. Van Pelt addressed transportation issues associated with the Proposed Campus Plan. Mr. Van Pelt noted that the parking supply on campus has been capped at 4,080 spaces since the 1990 Campus Plan and that these spaces are shared between the University and the hospital. (April 14, 2011 Transcript at 69; University Presentation, Ex. 42 at 38).

26. Mr. Van Pelt elaborated on the University's Transportation Demand Management plan ("TDM"), focusing on the alternatives to private automobile usage

(April 14, 2011 Transcript at 70-72, Prehearing Submission, Ex. 25J, University Presentation, Ex. 42 at 40-43).

27. As part of the Proposed Campus Plan, the University seeks to improve the GUTS system by constructing an internal loop road within the campus. This loop road would allow GUTS buses entering from Canal Road to turn around on campus and exit back out Canal Road. As a result, there would be less GUTS buses driving on neighborhood streets and the GUTS buses could serve both north and south sides of campus (April 14, 2011 Transcript at 73, University Presentation, Ex. 42 at 44). Additionally, the University would continue to encourage alternate methods of transportation to private automobile use (Proposed Campus Plan, Exs. 8R; Ex. 42 at 45).

28. Mr. Van Pelt acknowledged that Gorove Slade had not studied the number of university automobiles that parked off-campus in the neighborhoods. Nor did the University know how many university generated automobiles travelled on neighborhood streets and what impact that had on nearby intersections (May 12, 2011 Transcript at 16-19). The University's traffic report shows that a significant percentage of students, faculty, and employees still drive to main campus despite its TDM measures. A survey conducted by the University on preferred mode of travel to the main campus by students, faculty, and employees showed 46.1% of faculty drive alone, 18.8% of undergraduates drove alone, and 21.4% of graduates drove alone. With the limited number of on-campus parking spaces available, the University recognized that "some University parkers find parking on nearby neighborhood streets." (Prehearing Statement, Ex. 25J at 9, 35, 38).

29. Eric Smart of Bolan Smart testified that the proposed graduate enrollment growth would not adversely impact home values and neighborhood character. He attributed this to graduate student characteristics, limited additional demand for housing, and the neighborhood market conditions (April 14, 2011 Transcript at 76, University Presentation, Ex. 42 at 47). Mr. Smart conceded that his analysis did not assess the cumulative impacts of existing student housing in the neighborhoods, but was limited to an assessment of the impact of proposed graduate student growth in the Proposed Campus Plan (April 14, 2011 Transcript at 277).

30. The University submitted a comprehensive and final transportation report dated October 21, 2011 (Ex. 339A). The final report updated and amended portions of the transportation aspects of the Proposed Campus Plan. The final report reiterated the University's commitment to reducing single-occupancy vehicle trips to and from campus by students, faculty, and staff. It proposed continued implementation of the TDM plan, and improvements in the Georgetown University Transportation System ("GUTS") that would result from the newly proposed on-campus bus turnaround near Harbin Hall. The report also analyzed key intersections at several campus gates and concluded that the Proposed Campus Plan would not negatively impact traffic flow near the campus (Transportation Study, Ex. 339A).

31. Responding to community concerns regarding parking, the final report included a one day study of street parking in West Georgetown and Burleith. The study found

overutilization rates exceeding 80% of all Residential Parking Permit Spaces in the afternoon and evening and as high as 91% in the blocks closest to the University during the evenings ((Transportation Study, Ex. 339Aat 91-93). The report summarized the University's proposals to address parking impacts related to students who live on or near the campus.

32. As an addendum to its final and comprehensive transportation report, the University agreed to several DDOT conditions for approval. These conditions included conducting a pilot study of the AM left turn on Canal Street, monitoring intersection traffic at 38th Street and Reservoir Road, and monitoring traffic at Gate #3 on Reservoir Road (Applicant's Response to DDOT Conditions, Ex. 340).

33. On December 15, 2011 the University filed a Written Rebuttal in which the University asserted it had listened to articulated concerns of the city agencies and the parties in opposition, had responded in meaningful and significant ways and had achieved positive results with its off campus student programs. The University also contended that providing more on-campus housing is not necessary in light of the housing already provided and providing successful satellite housing requires extensive support facilities. The University concluded that providing more housing than the 250 beds the University proposed to provide would present practical as well as financial challenges. (Exs. 360, 361).

Witnesses in Support

34. 34 witnesses, including 10 students, testified in support of the Proposed Campus Plan. Most of the witnesses were employees of the University, representatives of organizations receiving University support, or students. They stated that the University's Proposed Campus Plan was reasonable, that many students want to live off campus in their junior and senior years (the University requires freshman and sophomores to live on campus), and several expressed concern that the cost of housing all undergraduates would prevent University expenditures on other projects of importance to students and the University. In addition 66 individuals and organizations, many of whom were not residents in the communities adjoining the University, submitted letters in support of the Plan (Exs. 18, 31,38,43-72,75, 159-160,162,165,168-173,199, 208,210,216,249-250,264-265, 267-269,272, 274,276,289-290,292-295,300, 303, 330,and 337). DC Students Speak submitted a petition signed by 1,366 individuals supporting the Proposed Campus Plan (Ex. 116).

Office of Planning

35. The Office of Planning ("OP") submitted a report on May 5, 2011 ("OP Report") recommending approval of the Proposed Campus Plan subject to conditions relating to enrollment and housing (OP Report, Ex. 85).

36. OP began its analysis within the context of the regulatory structure of Section 210 of the Zoning Regulations and noted that, "[while] [u]niversities are an important part of the District's intellectual and cultural life . . . [w]hen located in residential zones,

the impacts of a university must be evaluated against the standards of the zoning regulations and considered carefully to avoid adverse impacts to the residential communities that surround them." (OP Report, Ex. 85 at 1). The OP Report went on to detail the character of the communities surrounding the University. OP characterized these neighborhoods as densely developed attached rowhouse blocks with narrow lots. Most West Georgetown houses share rear lot lines with their neighbors and lack alleyways. Accordingly the narrow neighborhood streets must accommodate the residents' vehicle parking, service activities and trash collection. "It is the historic 'cheek to jowl' development pattern of single family rowhouse residences that defines the character of these neighborhoods and also makes the neighborhoods fragile with limited capacity to absorb adverse impacts such as noise, litter, parking or excessive traffic." (OP Report, Ex. 85 at 3). Furthermore, the Comprehensive Plan Future Land Use Map identifies Burleith and West Georgetown as Neighborhood Conservation Areas, establishing the guiding principle of "conserving and enhancing neighborhoods within this category." (OP Report, Ex. 85 at 4).

37. OP concluded that the number of students, noise, and traffic created objectionable conditions to neighboring residential properties. OP cited the increase in the number of University students since 1990. OP noted that the Proposed Campus Plan's total student enrollment cap represented a significant increase in student enrollment since the 1990 Campus Plan (OP Report, Ex. 85 at 5, 6). Between 1990 and the end of the 2000 Campus Plan the total number of students has increased by 44.3%, from 9,762 to 14, 033, in that time period, which OP noted was a substantial increase over a ten year period (OP Supplemental Report, Ex. 362 at 9)

38. The total number of GU students and the density and adverse effects of off-campus student group houses on the community caused OP to find that the proposed maximum total enrollment of students placed the surrounding neighborhoods at the "tipping point of diminished residential character." (OP Report, Ex. 85 at 7). OP mapped the location of 2,334 University students living in the area immediately surrounding the University. The heaviest concentrations of students were located in the Burleith and West Georgetown neighborhoods. The map showed some blocks of housing near the University with a percentage of student residences over 50% of the block, with a typical concentration of 30-40% (OP Supplemental Report Ex. 362at 7-8). OP concluded that Burleith's and West Georgetown's residential character was no longer balanced because of the high concentration of student housing. OP explained that "the streets in this part of the City are narrower and the building type more intimate, thus noise, litter, public disturbances, parking and traffic are more immediately felt." Furthermore the absolute number of students living in a community can have an adverse impact "due to the transient nature of students, their orientation to the university and university events, their involvement and socialization with other students and the likelihood that they are not living year round within the community versus a full-time permanent resident who has chosen the community as their home." (OP Report, Ex. 85 at 7-9).

39. OP found a clear correlation between the number of 911 calls for disorderly conduct, destruction of property, damage to property, and assaults and the areas of

concentrated student residences. Buttressing this correlation was detailed data provided by the MPD showing 911 calls by street block since 2000. Using O Street and Prospect Street as examples, OP demonstrated the blocks with higher student residences had significantly greater numbers of 911 calls than those that did not (OP Report, Ex. 85 at 9, 10, Map 2, 3; OP Supplemental Report, Ex. 362 at.7). An analysis of MPD disorderly conduct calls for one block of 35th St NW showed that more than half the calls in September and a third of total calls in 2010 were for one student address (Supplemental OP Report Ex. 362at 6).

40. OP found that there are 5,053 University provided beds and 6,652 traditional undergraduates, and that 1,599 (24%) traditional undergraduates are living off-campus. In its 1990 Campus Plan, the University stated it was providing housing for 83% of its undergraduate students and was adopting a long-term goal of housing 100% of its students on-campus. In its 2000 Campus Plan, the University omitted the 100% goal but predicted that at least 84% of undergraduates would live on-campus. As of 2010, the current percentage of students living on-campus is only 76%. Even with the addition of 250 new beds under the Proposed Campus Plan the percentage of undergraduate students housed on-campus would only be 80%. OP concluded that the University's undergraduate student housing had not kept pace with the growth of student enrollment over the last 20 years (OP Report, Ex. 85 at 17- 18).

41. The OP Report concluded that, "the number of students as currently proposed will affect adversely the use of neighboring property in accordance with the intent of the residential zoning to maintain a family-life environment (§§3104 and 320.1 11 DCMR) and will become objectionable to the neighboring property (§210.2 11 DCMR)." (OP Report, Ex. 85 at 18). To avoid this result OP recommended that a comprehensive housing plan providing for University housing for most undergraduates by Fall 2016 be required as a condition for approval of the Proposed Campus Plan. Further, the location of University provided housing should be on campus or in a satellite location but not within the neighboring residential communities. If the University failed to provide on-campus beds OP recommended that the undergraduate enrollment cap be incrementally reduced to bring the number of undergraduates in line with the number of available beds (OP Report, Ex. 85 at 18- 19).

42. OP made several other recommendations to address the growth of the University student enrollment. First, it proposed that undergraduate enrollment be capped at current levels of 6652 students. Second, it recommended that the maximum total enrollment on the main campus be capped at 12,959 until 2013, raised to 13,432 by 2014, and that maximum total enrollment may be increased to 13,941 thereafter (compared with the University's Fall 2010 total enrollment of 14,033). Third, compliance with the enrollment caps would be calculated each semester and not calculating by averaging semesters (OP Report, Ex. 85 at 18, 19, 24).

43. OP also criticized the ambiguity surrounding the plans for the proposed new MedStar hospital and recommended that a more comprehensive plan for the medical facilities be submitted as a Campus Plan amendment, and that it include an analysis of impacts on parking and traffic (OP Report, Ex. 85 at 21). In addition, OP recommended

the University work with DDOT and the National Park Service to formulate acceptable solutions to the proposed loop road and other facets of its transportation plan (OP Report, Ex. 85 at 25).

44. In a Supplemental Report (Ex. 362) OP cited various provisions of the Comprehensive Plan which guided OP in its assessment of the proposed Campus Plan. OP provided further information on on-campus housing policies at other universities and corrected its earlier report in several respects, including clarifying that MPD data in its original report, showing increased 911 calls in locations with a high concentration of student group houses, covered calls for disorderly conduct, destruction of property, damage to property, and assault – and not 911 calls for all offenses. OP concluded that its recommendations create the opportunity for the University to expand its undergraduate enrollment in the future in a way that will allow the University to have control over student behavior, such that its campus use "will be in harmony with the general purpose and intent of the Zoning Regulations" and "not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions" (11 DCMR §210.2).

District Department of Transportation

45. The District Department of Transportation ("DDOT") submitted its original report on May 5, 2011 in response to the transportation study commissioned by the University. The DDOT Report concluded that the University Transportation Study was inadequate. Due to repeated deficiencies in the transportation study, the final University Transportation Report was not filed until October 21, 2011. Subsequently, DDOT issued its assessment of the report on November 8, 2011 ("DDOT Report").

46. The DDOT Report reviewed the final University plan and found that "the overall Campus Plan will result in a number of adverse transportation impacts that will need to be mitigated." The report states that DDOT "has been especially concerned with the impact that these plans will have on the surrounding community." However, DDOT concluded that it had no objections to the final transportation plan if the University implemented various strategies to mitigate the impact of increased traffic and bus congestion (DDOT Report, Ex. 347 at 1, 2).

47. The DDOT Report addressed four areas requiring mitigation: (1) the Canal Road Gate, (2) the Reservoir Road/38th Street intersection, (3) Gate #3 on Reservoir Road, and (4) Annual Performance Monitoring Study reporting. DDOT identified potential traffic mitigation measures for the three gates, to include constructing a new turn lane at the Reservoir Road/ 38th Street intersection, and charged the University with conducting further studies to evaluate the various options available to reduce congestion at these locations. As a final measure, DDOT required the University to conduct an extensive annual performance monitoring study to ensure the proposed changes to the transportation network are effective and all mitigation measures have been provided (DDOT Report, Ex. 347).

48. The conditions imposed by the DDOT Report included those identified in their earlier submissions from May 5th and June 14th. In those earlier supplemental DDOT submissions, DDOT stated the University must continue implementing its TDM strategy, implementing its parking management strategy, monitoring transportation performance, and to submit a new comprehensive transportation impact study for the new Georgetown University Hospital (DDOT Report, Exs. 84, 275, & 347).

49. The University agreed to implement the mitigation measures DDOT outlined in its final report (Applicant's Response to DDOT Conditions, Ex. 340).

COMMUNITY RESPONSE/PARTIES IN OPPOSITION

50. The parties in opposition included two Advisory Neighborhood Commissions–2E and 3D, and three neighborhood associations that surround the University–the Burleith Citizens Association, the Citizens Association of Georgetown, and the Foxhall Community Citizens Association.

In addition , DC Council Chairman Kwame Brown and Council members Jack Evans (Ward 2), Mary Cheh (Ward 3), Vincent Orange (at-large) and Phil Mendelson (at-large) submitted written statements objecting to the Proposed Campus Plan and supported OP's recommendation that the University house its undergraduates (Exs. 26, 103,154, 350). Councilmember Mary Cheh (Ward 3) also testified in person in opposition to the Proposed Campus Plan, opposed the proposed loop road and recommended the University house all of its undergraduates on-campus (May 12, 2011 Transcript at 41).

Advisory Neighborhood Commission 2E

51. On February 28, 2011, Advisory Neighborhood Commission 2E ("ANC 2E") held its regularly scheduled meeting, and with all commissioners present, adopted by a 6-1 vote a report on Findings and Recommendations of Advisory Neighborhood Commission 2E Regarding the Georgetown University Proposed 2010-2020 Campus Plan ("ANC 2E Report"). The ANC 2E Report and testimony was stated to be based on extensive first-hand experience in the community by the ANC Commissioners and extensive input from individuals and organizations in the community, including a special community meeting sponsored by ANC 2E on January 20, 2011 to consider the Proposed Campus Plan. The ANC 2E Report outlined deep concerns regarding the Proposed Campus Plan and found it would have serious adverse effects on the community (ANC 2E Power Point Presentation, Ex. 131; ANC 2E Presentation, Ex. 132, ANC 2E Supplemental Material, Ex. 175; ANC 2E Supplemental Report, Ex. 342).

52. The ANC 2E Reports and Presentation noted that the undergraduate population living off campus in West Georgetown and Burleith has remained essentially unchanged from 2000-2010 despite the construction of the Southwest Quad, a 780 bed dormitory, in 2003 that the University predicted in 2000 would significantly reduce the number of undergraduate students living off-campus by 75-80% (ANC 2E Presentation, Ex. 132D). The ANC 2E noted that, despite the University's 2000 predictions, the steep forecasted

reduction in undergraduates living off-campus and in objectionable community impacts had not occurred. In fact, the situation had become worse over the past 10 years, without a credible likelihood that the situation would improve. The ANC cited numerous objectionable impacts the University was having on the community, including widespread off-campus objectionable student behavior, the continuing large number of group houses occupied by University students, the University's continuing failure to control objectionable off-campus student conduct, and poorly maintained group houses. Citing the failure of the University to control the number and conduct of undergraduates living off-campus and the failure to reduce adverse impacts on the community, the ANC 2E Report recommended the following measures: (1) caps on all categories of student enrollment, (2) limits on the number of students living off-campus, (3) annual auditing of these numbers, (4) ceasing the use of "Magis Row" for undergraduate housing, (5) prevention of further acquisition of real estate within zip code 20007 without Commission approval, (6) rerouting of University buses off of residential streets, (7) prohibiting student parking in the neighborhoods, (8) provision of satellite parking areas, (9) provision of a late night shuttle bus on M Street, and (10) strengthening of management and control of off-campus student conduct. The report also recommended restrictions be imposed on the use of Kehoe Field and objected to the vagueness of the MedStar hospital portion of the plan (ANC 2E Report, Ex. 15).

53. On May 16, 2011, ANC 2E, presented testimony in opposition to the Proposed Campus Plan. Mr. Ron Lewis, Chair of ANC 2E, testified that the recent growth in student enrollment and the total existing number of students and group houses in the surrounding community have created objectionable impacts in the surrounding communities, and greatly exceeded projections in the 2000 Campus Plan. At that time, the ANC, the neighborhood associations, and the Office of Planning believed total student enrollment would increase only modestly during the next ten years (May 16, 2011 Transcript at 74-75; June 2, 2011 Transcript at 141-142, 159; CAG Presentation, Ex. 127). However, by 2010, total student enrollment had increased from approximately 10,000 students in 2000 to over 14,000 students (May 16, 2011 Transcript at 74-75; ANC 2E Presentation, Exs. 131 at 10 & 132B). The number of undergraduates had increased from 6,166 in 2000 to 7,379 in 2010 (ANC 2E Presentation, Ex. 131 at 11 & Ex. 132 at Attachment 2). The key remedy proposed by the ANC was for the University to provide an on-campus or satellite-location bed for every undergraduate. The ANC noted that this remedy was supported by the OP, the community, and as recently as 1990 by the University itself (May 16, 2011 Transcript at 72-73; ANC 2E Presentation, Exs. 131 & 132).

54. When the 2000 Campus Plan was being considered, the University predicted that housing 780 additional undergraduates in new housing called the Southwest Quadrangle would greatly reduce the number of off-campus students and off-campus student houses. At that time, the University's expert, Mr. Bolan of Bolan Smart, stated that, as a result of the 2000 Campus Plan, 75-80% of off-campus student group homes would return to single-family homes. Contrary to the University's predictions, the number of undergraduates living in zip code 20007 (the area including ANC 2E and customarily treated as the University's surrounding community) did not decrease; and the number of graduate students increased from 1072 in 2000 to 1132 in 2010. University data reveal

that in 2010 there were over 2400 students living off-campus in zip code 20007 (Rebuttal Submission (Ex. 273M; Proposed Campus Plan, Ex. 8N, fn. 1). The reduction in the off-campus undergraduate student population anticipated from construction of the SW Quadrangle Dormitory was negated by the increase in undergraduate student enrollment (May 16, 2011 Transcript at 76-78; ANC 2E Presentation, Exs. 131 at 13,14; 132D, & 132E).

55. Mr. Lewis disputed the accuracy of University's statistics regarding the percentage of undergraduates housed on-campus. After accounting for non-traditional undergraduates, unoccupied on-campus beds, and students housed in off-campus University owned townhouses, the ANC calculated that only 64% of undergraduates were housed on-campus (ANC 2E Presentation, Ex. 132E). Even focusing solely on traditional undergraduates and disregarding vacancies, the ANC calculates the University provides on-campus housing for 4,942 of its 6,652 traditional undergraduates, or 74 percent. (Ex. 131 at 14; Ex. 132E). By comparison, Mr. Lewis pointed out that George Washington University houses 79% of its full-time undergraduates on-campus (ANC 2E Presentation, Ex. 132H). Mr. Lewis also noted that whatever other local universities may do, the specific residential characteristics of West Georgetown and Burleith, including the narrow townhouses and cheek-to-jowl single-family residential environment noted by OP, are different from other university locations in the District of Columbia and justify a different percent on-campus housing target for traditional undergraduates (Ex. 175; May 16, 2011 Transcript at 80-81).

56. Mr. Lewis identified objectionable impacts from the large number of off-campus University students, including:

a. Loud, disruptive alcohol-driven noise from parties in student group houses;

b. Larger and more widely advertised parties than ever, as students communicate instantly by cell phone, text messages and other new media about where the parties are;

c. Loud, disruptive noise from group houses even when there are no parties;

d. Loud, late night alcohol-driven noise and disruption from groups of GU students moving through the neighborhood from one party to another, or going back and forth from group houses to the M Street or Wisconsin Avenue bars at 2:00, 3:00 or 4:00 in the morning, including urinating in public, vomiting on the sidewalks and on homeowners' property, and frequent vandalism;

e. Night-time activities by students moving on foot from place to place in the community in the middle of the night that are intrusive and objectionable even if not so extreme as to be illegal, which constantly wake the residents up;

f. Deterioration of transient student group houses, as neither landlords nor the transient student tenants have much incentive to repair and maintain the houses;

g. An adverse effect on the value of nearby houses and on the stability of the neighborhood; and

h. Parking on the residential streets by both off-campus students and other campus-related commuters and visitors that take up all-too-scarce parking spaces.

(Ex. 131 at 16-17: Ex. 175 at 12-14: May 16, 2011 Transcript at 81-85).

57. Mr. Lewis and the other ANC 2E Commissioners who testified stated that the reported objectionable incidents are only the tip of the iceberg. More objectionable incidents are unreported than reported. Objectionable incidents are unreported to MPD or SNAP for a variety of reasons, including a reluctance by residents to call 911 except in serious emergencies a realization by residents that the University's SNAP program is ineffective; and a realization that objectionable late-night transient student noise that disrupts a night's sleep probably would cease by the time an enforcement response could arrive (May 16, 2011 Transcript at 85-86, 94, 116-117, 134-135, 139-141, 161-162; Ex. 175 at 14).

58. Mr. Lewis stated that the University's monitoring and discipline system for off-campus disruptive conduct is not working, even with the newly implemented tweaks the University has made, and that it puts far too many burdens on the community, including:

a. The burden to report everything all the time, even when the source of the noise that woke you up is likely to be somewhere else by the time a responder to a call could arrive.

b. The fact that students can see the SNAP car coming, with its flashing yellow light from blocks away, or that they post a lookout for SNAP or MPD cars at loud parties, which they often do, so they can be quiet by the time the car arrives, and

c. The burden to prove to the University that the transient noise that woke you up was from a University student, though the odds are overwhelming that it was, and exactly which student.

(Ex. 175 at 16; May 16, 2011 Transcript at 87-88).

59. Mr. Lewis noted the connection between parking congestion in the community and University-related cars, including student cars. Mr. Lewis stated that whenever the University is out of session, for example during the University's long Christmas break, parking spaces are much more available than when the University is in session (May 16, 2011 Transcript at 148-149, 186-190).

60. Mr. Lewis stated the growth in student enrollment, coupled with the University's failure to provide an adequate number of on-campus beds for its students, has led to severe, objectionable impacts on the surrounding neighborhoods. Mr. Lewis attributed the objectionable impacts to the large number of students forced to live off-campus and to the University's failure to mitigate the impacts. For example, while the University has strict on-campus student rules relating to parties, these rules do not apply to off-campus parties and encourage off-campus disruptive behavior (ANC 2E Presentation, Exs. 131 at 19; Ex. 132I). Mr. Lewis stated that, despite the University programs in place to mitigate objectionable impacts to the community from off-campus students, those impacts have only increased in severity and frequency including loud, disruptive noise from student group houses, vandalism, deterioration of properties, drunken disturbances, trash, and parking and traffic congestion (May 16, 2011 Transcript at 80-86, 91-94; ANC 2E Presentation, Ex. 131 at 16, 17).

61. ANC 2E Commissioners Ed Solomon, Bill Starrels and Jeffrey Jones continued the testimony for ANC 2E. Mr. Solomon described the failure of the University to mitigate the objectionable student impacts in the community in Burleith, based on his personal observation and experience and as demonstrated by the high number of 911 calls for offenses that are typically student related. Mr. Starrels described the continuing failure of the University to control off-campus student behavior in West Georgetown, underage and disruptive drinking, and the objectionable effects on the community. Mr. Jones described and showed visual and audio evidence of objectionable noise, disruption and trash connected with off-campus student group houses in West Georgetown (May 16, 2011 Transcript at 89-119; Ex. 175 at. 18-32).

62. ANC 2E presented information to illustrate the high student population density at Georgetown University. Compared to the Top 50 universities from the U.S. News & World Report listing, Georgetown University had enrolled more students per campus acre than any of the listed schools, except Columbia and New York University. Whereas the listed universities average 43 students per acre, Georgetown University's density is 135 students per acre (ANC 2E Presentation, Exs. 131 at 37 & 132J).

63. ANC 2E produced statistics to demonstrate the correlation between high concentrations of student group houses and higher numbers of 911 calls to MPD. Pursuant to a Freedom of Information Act request for data, the MPD provided CAG with historical data from 2000 to 2010 of 911 calls by street block. These data showed that the blocks with the higher numbers of student residences generated a greater number of 911 calls. Taking one highly student concentrated street block, the ANC showed the number of 911 calls was nearly twelve times higher than a block with much fewer student group houses (May 16, 2011 Transcript at 94-95; June 2, 2011 Transcript at 149-150; ANC 2E Presentation, Ex. 131 at 23-24; CAG Presentation, Ex. 127 at 20, 21). And for those blocks with a high concentration of students, the annual number of 911 calls has remained constant since 2006, despite the University's measures to reduce student misconduct (ANC 2E Presentation, Ex. 131 at 23, 24).

64. Citing a specific example, Mr. Jones testified that, "there could not be a more clear case of the University having a negative impact on the community than Magis

Row." (May 16, 2011 Transcript at 112). Referring to a chart depicting aggregate 911 calls for disorderly conduct, destruction of property, damage to property, and assault at Magis Row since 2000, Mr. Jones showed that there are four times the number of 911 calls generated by Magis Row compared to just one block to the east. Furthermore, the data depicts an upward trend in calls over the past ten years (ANC 2E Presentation, Ex. 131 at 32). The ANC expressed serious concerns for the welfare of the families living nearby, and noted that as a result of the issues arising from Magis Row, Commissioner Jones had met with University officials in Fall 2010 and requested that the University cease housing undergraduates in Magis Row (May 16, 2011 Transcript at 114).

65. In its written presentation ANC 2E noted that graduate students and "nontraditional undergraduates" living off campus can and do have objectionable impacts on the community because of conduct issues. Although the University cites their greater maturity University data indicate that the average age of graduate students is only a few years greater than the age of the average senior undergraduate and that a majority of nontraditional undergraduates are under 24 years of age. They are transient residents who live in rental properties that are often not well maintained. Finally both resident and commuting graduate and nontraditional undergraduate who live in the community occupy neighborhood parking spaces and those who do commute add to traffic congestion (ANC 2E Presentation, Ex. 132C).

66. The ANC concluded its testimony by offering a number of reports, pictures, and an audio recording demonstrating student related trash and debris, loud parties, and parking impacts. The ANC emphasized the disproportionate impact these conditions have on the community because of the close living conditions in West Georgetown and Burleith, and expressed the frustration in the community that the University has been unwilling or unable to remedy the situation (May 16, 2011 Transcript at 106-111; ANC 2E Presentation, Ex. 131 at 28-36).

67. ANC 2E filed a Supplemental Submission on November 8, 2011 which addressed the new initiatives recently introduced by the University and described in its Rebuttal Submission (Ex. 273). It stated that those initiatives have not adequately addressed the objectionable conditions in the neighboring community but instead consisted of small-scale tweaks to policies and practices that have failed for years (Ex. 342, p. 4). The ANC 2E Submission noted:

a. Off campus student noise, trash and other objectionable conduct have not abated and remain serious problems which are directly related to the number of student group houses in the community. The objectionable impacts from so many GU undergraduates forced to live off-campus go far beyond what even the most rigorous off-campus policies and enforcement could control and the University has offered much less than the most rigorous off-campus policies and enforcement. The measures the University is proposing to address the objectionable impacts, including the newly added measures, are not working and will not work over the long run (Ex. 342 at 4-11, 16, 18-30).

b. The Supplemental Submission included statistics on the severity of the trash problem from off-campus group houses and the failure of the University's newly implemented trash pick-up to remove or address adequately this continuing objectionable impact from the off-campus student group houses (Ex. 342 at 6, 37).

c. The Supplemental Submission reported that the late night shuttle between the campus and the M Street, N.W. commercial area was marginally helpful but dwarfed by the large number of GU's 6,000 undergraduates who continue to travel on foot noisily and disruptively through the community during the same late-night hours, including students living off-campus in the community (Ex 342 at 5-7).

d. The University has not demonstrated that it could not find physical space to provide more undergraduate housing on campus if it wanted to do so, and the University, which the ANC 2E Supplemental Statement noted is about to launch a $1.5 billion capital campaign, has admitted it has the financial resources to provide whatever undergraduate housing might be required in the 2010-2020 campus plan if it wanted to do so. Furthermore the housing conditions proposed by OP, ANC 2E and the community organizations would not require the University to acquire, construct, or rent additional student housing if the University chooses not to do so. In that event the undergraduate enrollment cap would be phased down in stages so that the cap would eventually be equal to the number of beds provided (Ex. 342 at 15).

e. The ANC 2E Supplemental Statement noted that providing beds for "100%" of the University's traditional undergraduate students would still leave large numbers of the University's students housed off-campus in the surrounding neighborhoods – both during the phase-in years and afterward. Even when the "100%" goal is fully phased in, (1) there are exceptions for significant categories of traditional undergraduates; (2) many of the over 700 nontraditional undergraduates, often quite young, would still live off-campus in the neighboring community; and (3) all of the graduate students – now numbering over 1,000 graduate students living in zip code 20007 – would likely remain. Managing those remaining students will be a substantial enough challenge for the community and the University.

f. In addition parking availability remains a serious concern for residents of West Georgetown and Burleith as confirmed in the University's Final Transportation Report. Under the proposed Campus Plan the ANC concluded, based on the University's own statistics, that parking availability would further decrease. In contrast under the OP and ANC recommendations, parking availability would improve because the number of graduate students would be capped and undergraduates who now live off campus and are allowed to have cars would be housed in University housing where they are not allowed to bring cars (Ex. 342 at 11, 35-36).

68. The ANC 2E Report described objectionable conditions resulting from the University and Hospital buses traveling on neighborhood streets and urged that all University and Hospital buses use the Canal Road gate instead of the neighborhood streets. The objectionable conditions include University and Hospital buses frequently running off-route on residential streets. The ANC recommended that tracking technology, which it described as widely available and relatively inexpensive, be used by the University and Hospital buses to keep them on-route (ANC 2E Report, Ex. 15 at 9-10.)

69. Finally ANC 2E expressed reservations about the University's proposal to enclose Kehoe Field, because of noise and possible traffic issues, and suggested conditions for approval of the Kehoe Field enclosure based on continuing certain specified uses that would not be objectionable (ANC 2E Report, Ex. 15 at 15; May 16, 2011 Transcript at 211-212).

Advisory Neighborhood Commission 3D

70. ANC 3D focused its testimony on the likely objectionable impacts of the proposed loop road along the western periphery of the campus.

Citizens Association of Georgetown

71. Ms. Jennifer Altemus, President of the Citizens Association of Georgetown ("CAG") testified against approval of the Proposed Campus Plan and expressed concern that the viability of West Georgetown as a residential neighborhood was threatened by the large number of University students living in group rental houses in the neighborhood. Additionally, CAG identified a number of major objectionable conditions caused by the University's large off-campus student population. These include:

a. Destabilizing and threatening to end the residential character of the surrounding neighborhoods by replacing long term, tax-paying adult residences with group houses rented by young transient students,

b. Lack of maintenance and consequent deterioration of town houses used as student group homes,

c. Increased traffic, demand for scarce street parking, and production of trash related to housing large groups of unrelated individuals in one small town house,

d. Disregard of community and DC rules relating to disposal and trash containers, resulting in serious blight and causing health issues related to rodent infestation,

e. Loud parties in group houses and other late night noise,

f. Acts of vandalism and intimidation towards neighbors of group houses,

g. Transient loud noises, foul language, vandalism, and public urination in residential neighborhoods caused by groups of students walking between group houses and campus.

Ms. Altemus stressed that the only viable solution to mitigate the identified objectionable conditions was to house the University's undergraduate students on campus or in other University-provided housing not in the Georgetown and Burleith residential areas. (CAG Submission Ex. 128 at 1-2, June 2, 2011 Transcript at142-154; CAG Supplemental Submission Ex. 345 at 1-2).

72. Ms. Altemus highlighted the explosive growth since 2000 in total enrollment and contrasted that number to the predictions the University made when submitting the 2000 Campus Plan. At that time, the University predicted its total number of students would not exceed 10,000 students by 2010. Yet current enrollment stands at 14,033 (June 2, 2011 Transcript at 141; CAG Presentation, Ex. 127; CAG Submission Ex. 128). She noted that, at the time of the 2000 Campus Plan application, the University also projected that construction of the Southwest Quadrangle would reduce the off-campus student population and restore at least 135 or 75% of the off-campus student group rentals to single-family homes. However, the number of student group homes has increased substantially between 2000 and 2010, from approximately 175 group homes to over 220 group homes in West Georgetown and Burleith. Ms. Altemus testified that these neighborhoods had already passed a "tipping point" and were now in danger of ceasing to be viable residential areas with a family life environment (June 2, 2011 Transcript at 143; CAG Presentation, Ex. 127; CAG Submission, Ex. 128 at 12, CAG Supplemental Submission dated June 6, 2011, Ex. 245).

73. Ms. Altemus estimated that since 2000 the cost to the District in lost tax revenue of single family homes converted to student group homes was $18.5 million. She explained that this estimate was based on testimony by an expert for the University in the prior Campus Plan proceeding that each house converted from student group rental to owner occupied would generate $7,400 (approximately $10,000 in 2011 dollars) in additional sales and income tax revenue. He also testified that "a stronger and more pronounced single family homeowner neighborhood is likely to increase property values, not decrease them, by the increased desirability of the community that will result."(Ex. 128D, Testimony of Lewis Bolan, BZA Transcript June 13, 2000 at 114-115) (CAG Presentation, Ex. 127).

74. Ms. Altemus stated that the University's off-campus student programs have failed to control objectionable impacts in the community. The Off Campus Student Life Office and SNAP were supposed to address the resident's concerns with off-campus student houses, but despite CAG's attempts to work with the University, these programs have been ineffective (CAG Submission, Ex. 128 at 13-15).

75. CAG produced video and audio recordings of late-night noise generated by students in the neighborhood on three different evenings and testified that residents routinely endure loud, drunken transient students, house parties, and disorderly conduct. The CAG video showed late night parties, large crowds of students passing noisily

through the neighborhood streets late at night, acts of vandalism, fights, drunken driving, and the accumulation of large amounts of trash following student parties (June 2, 2011 Transcript at 145-48; CAG Presentation, Ex. 127; CAG Supplemental Submission Ex. 345, Ex. C (CAG video)).

76. CAG presented evidence showing the number of 911 calls for disorderly conduct, destruction of property, damage to property, and assaults peaks as one gets nearer to streets where student occupied homes predominate. CAG used the same data to question the effectiveness of Georgetown University's Student Neighborhood Assistance Program ("SNAP"). Despite the university's efforts, 911 calls increased from 579 calls in 2006 to 601 calls in 2010 in blocks near the University (June 2, 2011 Transcript at 149-50; CAG Presentation, Ex. 127).

77. Ms. Altemus then addressed the increase in traffic and parking problems resulting from the large number of students living in the neighborhood and commuting to the university. CAG estimated that over 4,400 university-related vehicles park in the neighborhood, and noted that the University's traffic study largely ignored the two primary questions: (1) how many students park in the community, and (2) how many student cars drive in and out the surrounding communities? To emphasize this point, CAG showed pictures demonstrating the availability of street parking when school was not in session (June 2, 2011 Transcript at 150-51; CAG Presentation, Ex. 127).

78. In its written statement CAG also objected to the Proposed Campus Plan because it was not consistent with the Comprehensive Plan and would destroy the family-life environment of Georgetown. CAG offered the following recommendations to mitigate the objectionable impacts on the neighborhoods from the University: (1) house 250 additional undergraduates on campus by Fall 2013 and 100% of its undergraduate students on-campus or outside zip code 20007 by Fall 2016; (2) stop housing undergraduates in Magis Row; (3) prohibit the University from purchasing any new property in zip code 20007 for use as student housing; and (4) develop a more effective plan for addressing objectionable off-campus student behavior (CAG Statement, Ex. 128 at 18-19).

79. CAG also contended that GU graduate enrollment needs to be capped at current levels. GU provides no housing for its 6,654 graduate students, over 1,100 of whom live in zip code 20007 as of Fall 2010. Graduate enrollment has increased almost 40% since 2000 and the number of graduates living in West Georgetown and Burleith has increased significantly in recent years. As explained in the Report of Urban Planning Consultant George Oberlander (Ex. 90A) ("Oberlander Report"), and in the OP Report (Ex. 85), when the total number of transient students reaches the high levels it has in West Georgetown and Burleith it has a negative impact on the character and quality of life of the neighborhood.

80. In addition, CAG noted that University data indicate that many graduate students who do not live in West Georgetown and Burleith, including most School of Continuing Studies ("SCS") students, drive to school, clogging the overburdened neighborhood streets with student traffic and competing for the scarce parking spaces available for

residents. CAG also noted that GU has recognized that it cannot continue to grow its SCS enrollment on campus and is proposing to establish a satellite campus for its SCS students by December 31, 2013 and move 1,000 SCS students off campus by that date. While CAG believes that could have a favorable impact on the traffic and parking situation, if GU's Total Student Cap is not reduced by the same 1,000 students, GU could simply replace them with traditional graduate students and the number of graduate student group houses would increase, the traffic situation would still be congested and parking demand would remain essentially unchanged. To resolve the objectionable conditions that GU has created in the adjoining residential neighborhoods CAG believes it is critical that graduate enrollment on campus be capped at current levels and that future growth in graduate enrollment be handled in one or more satellite campuses, as recommended in the DC Comprehensive Plan (10 DCMR §1214).

Burleith Citizens Association

81. Ms. Lenore Rubino, President of BCA, began her presentation by noting the explosive increase since 2000 in University student population, and warned that Burleith was "rapidly becoming [Georgetown's] dormitory." (June 2, 2011 Transcript at 155). Ms. Rubino described the most serious and negative problem created by the 2000 Campus Plan to be the conversion of single-family residential row houses to student group rental homes, often occupied by six or more students (BCA Presentation, Ex. 195).

82. The BCA conducted a door-to-door census in the Spring of 2010 to determine how many student group homes existed in their neighborhood. BCA found that of the 535 homes in Burleith, 166 were University student group rentals, almost one-third of the total housing stock. This number may be a conservative count owing to the fact that no data was collected for 18 homes, and because the University's pre-hearing submission states there were 191 student residences in Burleith, or 36% of the total housing stock (BCA Presentation, Ex. 195, Appendix 13).

83. BCA's survey is at odds with the University's expert witness, who testified that 60% of homes in Burleith were owner-occupied (the BCA study states only 52% are owner occupied). The BCA study also contradicts the assertion by the University in its 2000 Campus Plan that the construction of the Southwest Quad would decrease the total number of group houses in Burleith to 20 total homes in 2010 (BCA Presentation, Ex. 195, Appendix 12). Because there are currently 166 student group homes in Burleith, as opposed to 20, the BCA asserted that this discrepancy calls in to question the current forecasts by the University. Furthermore, given the small number of homes in Burleith, Ms. Rubino stated even a modest increase in students living in Burleith would contribute disproportionately to the shift from owner-occupied homes to student rentals (June 2, 2011 Transcript at 159).

84. The BCA survey graphically depicted the locations of student group homes in Burleith in 2010 and showed that several blocks have become primarily student occupied blocks with almost no single-family homes (BCA Presentation, Ex. 195 at 16). Ms. Rubino expressed concern that the trend in their neighborhood was for more

conversions of single-family homes to student group rentals. Highlighting this concern, she testified that of the 25 homes sold in Burleith in 2010, 10 were sold to investors. And of those 10, 3 were converted from single-family homes to student group rentals, further reducing the residential housing stock (June 2, 2011 Transcript at 160; BCA Presentation, Ex. 195 at 23).

85. Ms. Rubino presented information revealing the University had secured over $1 billion in bonds through the District's Revenue Bond Program over the past 17 years. And as recently as 2010, the University secured $90 million in bonds for on-campus facility construction. She also provided evidence of a strong commercial market for student housing and a number of potential options open to the University for housing its students. She asserted that the University therefore has access to lenders and developers to construct new dormitories (June 2, 2011 Transcript at 161-63; BCA Presentation, Ex. 195 at 28, Appendix 24 & 25).

86. Ms. Rubino then addressed the objectionable impacts the University's housing policies have created in Burleith. She identified serious objectionable impacts such as frequent excessive noise at all hours stemming from parties, alcohol, and transient passage on neighborhood streets, as well as disproportionate amount of trash from student rentals. Additionally, she stated that group rental homes suffer from deferred maintenance, uncut lawns, overgrown shrubs, un-shoveled snow, and trash and junk in backyards and front porches. Furthermore, she highlighted issues with parking and traffic, stating the sheer number of student group rentals have created parking lots in backyards and congestion on neighborhood streets (June 2, 2011 Transcript at 163-67; BCA Presentation, Ex. 195 at 29-44, 53-55).

87. Ms. Rubino then addressed the University's assertion that SNAP was an effective tool in reducing off-campus student misbehavior. She stated that not only was SNAP ineffective at controlling student behavior, but that residents were subjected to retaliations from students, and that most residents believe that calling SNAP is not productive (June 2, 2011 Transcript at 165-66; BCA Presentation, Ex. 195 at 45-47, Section 3).

88. Ms. Rubino concluded by asking the Zoning Commission to reject the 2010 Proposed Campus Plan and direct the university to create a plan that would effectively address BCA's concerns and bring its students back on campus (June 2, 2011 Transcript at 169).

Oberlander Report

89. CAG and BCA submitted a Report by George Oberlander ("Oberlander Report"), dated March 2011, evaluating the Proposed Campus Plan (Oberlander Report, Ex. 90A). Mr. Oberlander, an expert urban planner and former Director of the National Capital Planning Commission (NCPC) also testified as an expert witness for CAG and BCA.

In his report and testimony, Mr. Oberlander stressed that West Georgetown and Burleith have been severely impacted by previous University Campus Plans and will suffer increased objectionable impacts under the Proposed Campus Plan. In support of his conclusions, Mr. Oberlander cited the growth in students living off-campus, the conversion of homes to group rentals, the existing high density of student group homes, and various other objectionable conditions. Specifically, Mr. Oberlander noted that nearly a third of the housing stock in Burleith is occupied by Georgetown students. On the 1900 block of 38th Street, 41% of the homes are student occupied. Mr. Oberlander also demonstrated the correlation between high concentrations of student group homes and 911 calls for disorderly conduct. In addition, the Oberlander Report included references to previous University Campus Plans where the University committed to the goal of housing all of its undergraduates on-campus (in 1990), and where the University forecasted steep reductions in undergraduates living off-campus (in 2000) (May 16, 2011 Transcript at 291-304 & Oberlander Report, Exs. 90 & 90A).

The Oberlander report also included a review of the literature and the recent history of the George Washington University Campus Plan and the adverse impacts on Foggy Bottom of that University's failure to house its undergraduates to demonstrate that as the percentage of students in a community increase numerous adverse impacts follow, including ultimately a reduction in value of residential property.

90. Mr. Oberlander presented the following conclusions:

a. The Proposed Campus Plan inadequately addresses the need to reduce the concentration of students in group housing living in the nearby residential areas.

b. The construction of the Southwest Quad in 2003 did not have the effect of reducing the number of students living off-campus. Similarly, the commitment to house another 250 undergraduate students on-campus will have little effect on reducing the numbers living in Burleith and West Georgetown. To achieve the required favorable impact on community housing, over four times that number must be provided on-campus housing.

c. The proposed increase in graduate enrollment will increase the number of graduate residents in Burleith and West Georgetown, increasing transiency in those neighborhoods.

d. The concentration of student housing has altered the character of the adjoining neighborhoods turning a single-family residential neighborhood in to a transient community and adversely impacting the quality of life for residents. These neighborhoods cannot tolerate additional conversions of single-family homes to group homes without losing the character and fabric of the communities as contemplated in the R-3 zoning.

e. The Proposed Campus Plan should not be approved because the University has become objectionable to the surrounding communities because of the individual and cumulative noise, traffic, number of students and other objectionable conditions identified by the communities. The Proposed Campus Plan does not adequately mitigate these conditions and, in fact, exacerbates them.

f. Providing on-campus or satellite housing for all undergraduates is the best option for mitigating the objectionable impacts and stabilizing the surrounding neighborhoods by reducing transiency.

In conclusion, Mr. Oberlander noted the high degree of convergence between the conclusions in his report and the recommendations in the OP Report. (May 16, 2011 Transcript at 291-304 & Oberlander Report, Ex. 90).

CAG/BCA Supplemental Submission

91. In a Supplemental Submission, dated November 8, 2011, CAG and BCA noted that despite the new University initiatives, including an increase in MPD officers in the reimbursable detail, increased trash collection from student blocks and a new late night shuttle bus on M St-the following objectionable conditions continue to exist in West Georgetown and Burleith:

a. Long-term, tax-paying adult residents of owner occupied houses in these communities have been replaced over the last ten years by transient students renting investor owned group houses. Many blocks of formerly owner-occupied housing have been turned into enclaves of student rooming houses. Of the 535 houses in Burleith, 166, or almost one-third, are student group rentals.

b. The lack of maintenance and consequent deterioration of student group houses have created a blighted neighborhood, which gets worse not better with every year.

c. Loud parties in group houses and other late night noise – disregarding D.C. laws and basic rules of civility – remain the norm.

d. Acts of vandalism and intimidation toward neighbors of group houses continue.

e. Transient loud noises, foul language, vandalism and public urination in the residential streets emanating from groups of students walking back to their group homes and Campus, from other group homes and the commercial corridor continue undiminished.

f. Student automobile traffic and competition for scarce on-street parking continued unabated.

g. Excessive production of trash caused by housing many unrelated individuals in small row houses, combined with near total disregard for D.C. rules relating to trash disposal and containers, continues to be a serious problem contributing to neighborhood blight and rodent infestation, despite GU's increased collection efforts.

(CAG/BCA Supplemental Submission , Ex. 345 at 1-2).

92. CAG/BCA state graduate students living in group houses pose most of the same issues as undergraduates, including loud late night parties, improper trash disposal, and poorly maintained properties. CAG/BCA note they are transient residents living in de facto rooming houses who do not have the same neighborhood-oriented interests as long term owners or renters. They therefore contribute to the destabilization of West Georgetown and Burleith as viable residential areas with a "family-life environment" which is the objective in an R-3 zone (11 DCMR §302.1) (CAG/BCA Supplemental Submission, Ex. 345 at 16-18).

93. The CAG/BCA Supplemental Submission noted that the University has many options available to it to provide housing for its students, some of which would involve only modest cost to the University and attached a report from Scion Group explaining the options available to the University. Finally the Submission explained how housing the University's undergraduates and channeling graduate growth to a satellite campus as recommended in the DC Comprehensive Plan would resolve many of the objectionable conditions outlined in their testimony. (Ex. 345 at 7,14, 17-18; Ex 345B)

<u>Foxhall Community Citizens Association</u>

94. Bob Avery, Board resident of the FCCA focused his testimony on the likely objectionable impacts of the proposed loop road along the western periphery of the campus and on the impacts of an increase in graduate students living in the Foxhall community. He testified that because West Georgetown and Burleith were essentially saturated with student housing the proposed increase in graduate enrollment would lead to an increase in graduate students seeking to live in Foxhall Village which consists of only 320 households, and seriously impact the neighborhood in terms of the balance between owner-occupied and graduate student housing. (June 2, 2011 Transcript at 170-179, 207-208).

Members of the Public

95. The Commission heard from twenty-six individual witnesses opposing the Proposed Campus Plan at the June 2 and 6 hearings. These witnesses recounted numerous events of student misconduct and described in great detail the objectionable impacts excessive numbers of students living in the neighborhood cause (June 2, 2011 Transcript at 234-276; June 6, 2011 Transcript at 12-142). For example, Ms. Sandrelle Lanjouw, a pregnant mother of three, recounted her family's experience living opposite Magis Row. Ms. Lanjouw testified that her 9 year old daughter had been verbally assaulted by drunken students and that her family cannot sleep at night due to the noise emanating from student group homes. She explained that SNAP does not work and that the stress of living among such a high concentration of students has negatively affected her relationship with her husband and her children (June 2, 2011 Transcript at 234-238).

96. Sara Page Smith, a Burleith resident wrote: "In addition to the embarrassment of living near these houses and having to constantly deal with the loud, alcohol-driven behavior any time of day or night, I have been personally assaulted, both verbally and physically, when I complained to students about their noise. I have had one young undergraduate student come to my house and throw beer on me and my belongings, I have had students call me foul names, come into my yard in the middle of the night and destroy my plantings and bushes, and steal lawn objects. I have had an undergraduate student tell me that, 'this is a Georgetown student neighborhood and (I) better get used to it'. Following that outburst, he spit in my face" (Ex 256).

97. Another witness, Mr. Walter Parrs, a father of two and resident of West Georgetown, testified that, due to student behavior, "[t]hree nights a week out of every seven, we don't sleep." Mr. Parrs went on to describe how he has engaged the University on multiple occasions and called SNAP to remedy the situation, but to no avail. Mr. Parrs provided the Commission with several emails between University officials and him, and concluded "it's really no exaggeration to say that the existence of these neighborhoods as residential neighborhoods is being threatened." (June 6, Transcript at 136-138; Testimony of Walter Parrs, Ex. 242,335.

98. In addition to the testifying witnesses, the Commission received numerous letters and photographs from other residents throughout the course of the hearing. These residents described the objectionable conditions caused by University students, including: frequent loud noise; excessive use of alcohol; disorderly behavior; loud late-night parties; parking violations; accumulations of trash and infestations of rats; poor maintenance of properties rented to students by absentee landlords; vandalism and destructive behavior by students, including causing damage to neighbors' houses, yards, and property; the prevalence of group houses occupied by transient students instead of permanent residents; and the overcrowding of large groups of students into single-family residences. Many residents also expressed their frustration with the University and its inability to control or mitigate the identified issues, and criticized the effectiveness of the University's off-campus programs such as SNAP (Community Letters in Opposition, Exs. 16-17, 19, 34-36, 39, 77-78, 80-81, 83, 86-88, 91-94, 96-98, 100-101, 119-126, 142-156, 161, 163-164, 166-167, 201-207, 209, 211-214, 218-229, 230-244, 251-259,

261-263, 266, 270-271, 280-286, 288, 293, 296, 298-299, 301-302, 304-309, 312, 314-317, 319-320, 322-325, 327).

99. Most letters and testimony concerned undergraduate students or did not distinguish between undergraduate and graduate students but some residents wrote that they had experienced the same types of objectionable conditions from graduate student group houses (Exs. 203; 204 at 2); 226 (slide 10); 229; 281; 285; 299. See also testimony of Jennifer Altemus and Lenore Rubino, June 2, 2011 Transcript at 211-213).

100. A couple who formerly lived in Burleith wrote that as a result of noise and misconduct by students in neighboring group houses: "We could not sleep, we were reduced to living in our guest room because that was the only place to hear the TV or read, we could not entertain, and we felt threatened. We were very unhappy and we decided to move." [Ex. 87] Another young family was also forced to move because of noise and other misconduct from a nearby group house occupied by graduate and other students: "We finally realized that our living situation was toxic. We luckily sold our house in April, and our family of four is leaving the neighborhood. I love Burleith; I'm very,very sad to leave. I hope that a resolution can be reached for the community" (Ex. 229). Similar letters from former residents of West Georgetown who were forced to move as a result of student group houses were submitted [Ex. 128A]. See also testimony of Victoria Rixey, June Transcript 268-271.

101. In addition to the letters and testimony, BCA and CAG circulated an on-line petition to oppose the Proposed Campus Plan and recorded 183 signatures (BCA Presentation, Ex. 195, Section 4).

FINDINGS OF FACT

Student Enrollment

102. The Commission finds that total student enrollment at the University has grown significantly since the last Campus Plan in 2000, from approximately 10,000 students to 14,000 students. This is a substantial increase in the number of students at Georgetown University. Furthermore, this increase was unexpected. During consideration of the 2000 Campus Plan, the University predicted enrollment would increase only modestly over the next ten years. The University acknowledged in the current case that key numbers for projected graduate student enrollment it presented in the 2000 campus plan case were "opaque" and created "confusion."(May 16, 2011 Transcript at 74-75, 98, 136; June 2, 2011 Transcript at 141-142, 159; CAG Presentation, Ex. 127). This increase in enrollment has lead to an increase in both graduates and undergraduates living in the adjoining communities, and to an increase in private houses rented by groups of students ("student group houses").

103. In the prior Campus Plan proceedings the University predicted there would be a significant decrease in undergraduates living in the adjoining community and in undergraduate student group houses due to the construction of the Southwest

Quadrangle dormitory in 2003. The Commission finds that the increase in undergraduate enrollment in the 2000-2010 period, combined with averaging of enrollment, essentially offset the forecasted reduction in off-campus undergraduate students and student group houses.

104. In the Spring 2000 Semester 1112 undergraduates and 267 graduates lived in privately owned rental properties in West Georgetown and Burleith [University Rebuttal Submission, Ex. 273M]. The University did not provide enrollment numbers for the Fall 2000 semester. By Fall 2010 there were 1265 undergraduates and 338 graduate students living in those communities, or significantly more than in 2000 (University Prehearing Submission (Ex. 25B at 2). While the Spring 2010 numbers are somewhat lower, the Commission finds that the Fall enrollment numbers are more important because they drive the demand for group house rentals for the academic year. Furthermore the number of graduate students living in those communities increased from 297 in the Fall of 2009 to 338 in the Fall of 2010, a 14% increase in one year. (CAG Supplemental Submission, Ex. 245). That is a much higher rate of increase than the 3.5% increase in graduate enrollment in the same period (Proposed Campus Plan, Ex. 8K, p.3: 13,550-14,033).

105. It is undisputed that the University's proposed 967 increase in traditional graduate students would lead to additional graduate students and additional student group houses in the adjoining community. While the size of the potential increase is disputed, the Commission finds that the proposed increase in graduate enrollment is likely to have an objectionable impact on the adjoining community, exacerbating existing objectionable conditions in West Georgetown and Burleith.

106. The University has committed to moving 1000 School of Continuing Studies students to a satellite campus by December 31, 2013. The Commission finds that this initiative is consistent with the DC Comprehensive Plan and is an appropriate method for the University to increase its graduate enrollment. However this reduction in a category of graduate students that mostly commute to school needs to be reflected in the University's total enrollment cap for 2014 to avoid the potential for a 1000 increase in traditional graduate students in that year which the Commission finds would be likely to create objectionable conditions in the adjoining communities.

107. The objectionable impacts of the growth in enrollment and the numbers of undergraduate and graduate students now living in West Georgetown and Burleith has been described in great and persuasive detail by OP, ANC 2E, the parties in opposition and scores of individual residents. The Commission finds that enrollment growth and the consequent number of student group houses have created objectionable conditions in the adjoining communities, including, but not limited to, excessive noise, trash, traffic congestion, increased parking demand and disorderly conduct. The sheer numbers of students passing through and living in the adjoining communities combined with the "cheek to jowl" layout of housing described by OP has created a situation that is negatively impacting the quality of life in those communities. The lack of sufficient on-campus housing coupled with the number of students enrolled at the University but housed in the community has resulted in the frequent occurrence of serious

student misconduct off-campus and the displacement of permanent, non-student housing.

108. The Commission finds a direct correlation between the number of students living off-campus and the objectionable conditions we have found to exist in the surrounding communities. The Commission finds that as a result of student enrollment growth and the number and density of student group houses, Burleith and West Georgetown are in danger of losing their residential, family life environment as the student population in their neighborhoods threatens to overwhelm the community. The Commission is persuaded by the evidence presented by OP, ANC 2E, BCA, CAG, and the Oberlander Report that these neighborhoods have indeed reached a "tipping point" at which the number and density of group houses threatens their viability as residential communities. To redress this situation the Commission finds that the University must provide housing for most of its undergraduate students and enrollment growth for graduates on campus for whom the University provides no housing must be limited.

109. The Commission finds that a headcount method of counting students is the only method that accurately reflects student enrollment and that the IPEDS methodology recommended by the University, if applied at least once each in the Fall, Spring and Summer sessions shortly after those sessions begin, is a reasonable system for obtaining a headcount.

110. An annual audit of the enrollment numbers the University reports for Campus Plan purposes is necessary to ensure compliance with this Order, in light of the complexity of the University's enrollment numbers and a history of confusion over those numbers in connection with the University's 2000-2010 campus plan

Off-Campus Affairs/Student Conduct

111. The Commission finds that current and proposed new programs to control off campus student behavior, including the Student Neighborhood Assistance Program, would not effectively address the objectionable conditions caused by student misconduct in West Georgetown and Burleith. The Commission credits the testimony of ANC 2E, the neighborhood associations, the large number of individual witnesses who testified knowledgeably and persuasively about conditions in the community and the ineffectiveness of University programs at controlling off-campus student behavior. While the University has belatedly attempted to address this failure by implementing several new initiatives described in the University's Rebuttal Submissions, there is no track record for these new initiatives and ANC 2E, CAG, BCA and individual residents report that while marginally helpful in some respects these new initiatives have not made and are not likely to make a significant improvement in the situation. Accordingly the University has not met its burden of showing that these new programs would effectively address the objectionable conditions in the community.

112. There is substantial evidence in the record demonstrating that there is a direct correlation between the high concentrations of student group houses in West Georgetown and Burleith and the objectionable conditions in these neighborhoods. In

addition to extensive testimony about objectionable student conduct associated with student group houses in the community, the OP Report and the ANC 2E and CAG Presentations demonstrated that residential blocks with high concentrations of student residences experience the greatest number of 911 calls to the MPD for disturbing the peace, destruction of property, damage to property and assault. While the University points out that there has been a reduction in the total number of 911 calls for disorderly conduct over three years, the total number of calls is still significant and it is correlated with high concentrations of students. In addition, ANC 2E presented credible testimony that residents are reluctant to make a 911 emergency call for excessive noise and other disorderly conduct and that reported incidents are only the tip of the iceberg. Furthermore ANC 2E and CAG submitted credible evidence that there has been no significant reduction in 911 calls in the blocks with student residences near the University.

On-Campus Undergraduate Housing

113. The Commission finds that construction of the Southwest Quadrangle dormitory in 2003 has not, as originally forecasted by the University during the last campus plan review, reduced the number of off-campus undergraduate students and student group houses in West Georgetown and Burleith. To the contrary, the evidence in the record shows that the number of undergraduate students living off campus and the number of student group houses in those neighborhoods has increased since the approval of the last Campus Plan. The shortage of on-campus housing for undergraduate students has created conditions that require students to find housing in the surrounding communities creating the objectionable conditions we have found to exist. The Commission finds the University's commitment to create 250 more undergraduate beds on-campus is inadequate to address the objectionable conditions attributable to the large number of undergraduate students currently living off-campus.

114. The Commission finds that the University's failure to provide sufficient on-campus housing for its undergraduate students and the fact that the University provides no housing for its graduate students has resulted in a substantial number of students living off-campus which has resulted in objectionable conditions and adverse impacts in the surrounding neighborhoods due to student misconduct and the high number of students living in a residentially zoned district.

Magis Row

115. The Commission finds that the use for undergraduate housing of University owned townhouses on 36th Street, NW, the so called Magis Row townhouses, has created objectionable conditions over a period of several years and the University's efforts to address objectionable student conduct issues related to undergraduate student use of these properties have been ineffective.

Traffic & Parking

116. The Commission finds that the GUTS system and the University's TDM measures have not been effective in reducing the number of students living off-campus who drive and who park their vehicles on neighborhood streets. While these measures are beneficial in increasing the use of public transit and GUTS buses, they do not adequately reduce student parking demand on residential streets.

117. The Commission finds that the availability of on street parking for residents of West Georgetown and Burleith is limited. The University's proposed increase in graduate enrollment and associated increases in teaching staff would generate additional traffic and parking demand in those neighborhoods. While the University contends that its traffic study shows that the increased traffic can be accommodated with the mitigation measures which DDOT has recommended and the University has agreed to implement, the Commission finds the impact of student owned vehicles on parking conditions in the adjoining neighborhoods has not been adequately addressed by the University. The University's Transportation Study confirms that "on-street parking is difficult to find in the immediate area surrounding the University." (Transportation Study, Ex. 339A at 92). The University's Proposed Campus Plan not only fails to alleviate student parking demand, but may make existing conditions worse.

The Loop Road and Other Transportation Issues

118. The Commission commends the University for its decision to remove the proposed loop road from the Proposed Campus Plan and to substitute in its place an on-campus turnaround at the center of the campus, near Harbin Hall. Both ANC 3D and FCCA expressed strong support for this change in the Proposed Campus Plan.

119. The Commission finds that using the Canal Road gate for University and Hospital buses to the maximum extent possible, is necessary to mitigate the objectionable traffic impacts of the Proposed Campus Plan. The University acknowledges that construction of the proposed on-campus turnaround area will make such use possible – either 100 percent use if DDOT approves continuing availability of a left-turn arrow for exiting buses during the morning peak period after a pilot study, or if DDOT does not approve such continuing availability, then use by the buses of the Canal Road gate at all times other than for exiting buses during the morning peak period.

120. The Commission finds that installing GPS technology to track and enforce on-route performance by the University and Hospital buses is necessary to mitigate the objectionable traffic impacts of GUTS buses operating on neighborhood streets.

Kehoe Field Enclosure

121. The Commission finds the University's proposal to enclose Kehoe Field will result in objectionable conditions of noise and traffic without restrictions on use.

Deadline for Campus Plan Renewal

122. By filing its Proposed Campus Plan the day before the existing Campus Plan expired on December 31, 2010 the University has in effect changed a ten year plan into an eleven plus year plan. Accordingly we find it necessary to set a firm deadline for the filing of the next proposed campus plan in 2020. We also encourage the University to meet with the affected ANCs and community organizations and engage in community outreach well before this deadline.

CONCLUSIONS OF LAW

1. The Applicant is seeking a special exception, pursuant to sections 210 and 3104 of the Zoning Regulations, for approval of a Proposed Campus Plan for the ten year period 2010-2011. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. D.C. Code §5-424(g) (2), 11 DCMR §3104.1.

2. The Zoning Regulations specify that use as a university in a residential zone shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. 11 DCMR § 210.2. In applying the Zoning Regulations, the Commission must balance the interests and rights of both the University and the neighbors. Our responsibility is to "determine whether a reasonable accommodation has been made between the University and the neighbors which does not interfere with the legitimate interests of the latter." Glenbrook Road Ass'n v District of Columbia Bd. Of Zoning Adj., 605 A.2d 22, 32 (DC 1992).

3. Implicit in the Board's power to grant special exceptions is the authority to place reasonable conditions upon such approval. *President and Dir. of Georgetown Coll. v. Dist. of Columbia Bd. of Zoning and Adjustment*, 837 A.2d 58, 69 (DC 2003). *See also* Comprehensive Plan, 10 DCMR §1214.7 (In reviewing and deciding a campus plan application, the Commission has the authority to approve a proposed campus plan subject to conditions "that ensure that the institution is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other similar condition.")

4. In all applications to the Commission for such a special exception the burden of proof rests with the applicant. *President and Dir. of Georgetown Coll. v. Dist. of Columbia Bd. of Zoning and Adjustment*, 837 A.2d 58, 67 (D.C. 2003). In evaluating requests for special exceptions, the Commission is limited to a determination of whether the exception sought meets the requirements of the particular regulation on which the application is based. The applicant has the burden of showing that the proposal complies with the regulation. *Id.*

5. The Zoning Regulations specify that the number of students is a factor that the Commission must take into account when assessing whether a university use in a residential zone is likely to become objectionable to neighboring property. 11 DCMR §210.2. The Commission has a statutory mandate to regulate land use in the District and is expressly required to take into account the number of students in this type of case. See also Comprehensive Plan, 10 DCMR §1214.7. The Court of Appeals has ruled that the DC Human Rights Act does not prohibit the Commission "in imposing conditions on the campus plan, from taking into consideration the 'number of students' who would be housed in residential neighborhoods." *George Washington University v. DC Bd. of Zoning Adj., 83*1 A.2d 921, 926 (DC 2003). It also held in the same case that undergraduate housing requirements can be set by the Commission and suitable enforcement mechanisms to encourage compliance can be adopted. Id at 932-935.

6. The Court of Appeals has also ruled that the impact of continuing objectionable conditions, for example, conditions caused and not remedied under a prior campus plan, are relevant in finding that a proposed campus plan would impose objectionable conditions. *President and Directors of Georgetown College v. D.C. Bd. of Zoning Adj. 837* A.2d 58, 60 n.7 (D.C. 2003).

7. Based on the foregoing findings of fact, each of which is supported by substantial evidence in the record, the Commission concludes that the Applicant has not met its burden of showing that the proposed Campus Plan is not likely to become objectionable due to noise, traffic, number of students, or other objectionable conditions, and will not tend to affect adversely the use of neighboring property, even with the conditions proffered by the University.

8. The Commission concludes that the proposed increase in the total student enrollment will result in objectionable noise and disruption to adjoining properties that will not be acceptably mitigated by the University's existing and proposed measures

9. The Commission notes especially the concerns of the Office of Planning, ANC 2E and the parties in opposition about the continued viability of Burleith and West Georgetown as residential communities, as pressures associated with the large number of students in those neighborhoods threaten their livability and residential character, and about the adverse impacts in the surrounding neighborhoods because of the frequent occurrence of serious student misconduct off-campus and the displacement of permanent, non-student housing as a result of the lack of sufficient on-campus housing.

10. The Commission heard substantial, persuasive testimony describing adverse impacts on the surrounding neighborhoods resulting from the presence of undergraduate students living in those neighborhoods. Numerous students and student group houses have created serious objectionable conditions in the communities surrounding the campus, particularly West Georgetown and Burleith. The adverse impacts created by students have several causes, including the frequent incidences of student objectionable conduct, improper trash disposal, loud late night noise as well as the failure of landlords to ensure that their properties are adequately maintained and occupied legally, and other conditions associated with a relatively young transient population living in otherwise stable neighborhoods consisting primarily of single-family residences.

11. The Commission concludes that the proposed increase in the total student enrollment will result in objectionable parking impacts that have not been and will not be adequately mitigated by the University's existing and proposed TDM measures.

12. In reviewing and deciding a campus plan application, the Commission "shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan." 11 DCMR § 210.7 The provisions of the Comprehensive Plan that the Commission has deemed relevant to its review of this Proposed Campus Plan are:

Policy LU-2.3.5: Institutional Uses

"Recognize the importance of institutional uses, such as private schools, child care facilities, and similar uses, to the economy, character, history, and future of the District of Columbia. Ensure that when such uses are permitted in residential neighborhoods, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains the quality of life. Encourage institutions and neighborhoods to work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion." (10 DCMR§311.7)

Policy LU-3.2.3: Non-Profits, Private Schools, and Service Organizations

"Ensure that large non-profits, service organizations, private schools, seminaries, colleges and universities, and other institutional uses that occupy large sites within residential areas are: planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities. The zoning regulations should ensure that the expansion of these uses is not permitted if the quality of life in adjacent residential areas is significantly adversely affected." (10 DCMR §315.8)

Policy EDU-3.3.1: Satellite Campuses

"Promote the development of satellite campuses to accommodate university growth, relieve growth pressure on neighborhoods adjacent to existing campuses, spur economic development and revitalization in neighborhoods lagging in

market activity, and create additional lifelong learning opportunities for DC residents."(10 DCMR §1214.5).

Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs

"Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas." (10 DCMR §1214.6)

Policy EDU-3.3.4: Student Housing

"Encourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches." (10 DCMR §1214.8)

Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities

"Support ongoing efforts by colleges and universities to mitigate their traffic and parking impacts by promoting ridesharing, carpooling, shuttle service, bicycling, and other transportation demand management measures. The provision of adequate on-site parking for institutional uses also should be encouraged." (10 DCMR §1214.9)

Policy NNW-1.1.8: Student Housing

"Support and promote efforts by the area's universities to develop on campus dormitories in order to reduce pressure on housing in nearby neighborhoods." (10 DCMR § 12108.9)

13. The Commission concludes that the requested enrollment increase, even with the conditions proffered by the University, is inconsistent with the above elements of the Comprehensive Plan because the increase will result in objectionable impacts that significantly adversely affect the quality of life in adjacent residential areas, is inconsistent with Comprehensive Plan objectives of promoting the development of satellite campuses to accommodate university growth and relieve growth pressure on neighborhoods adjacent to existing campuses, and is inconsistent with the policy of encouraging the provision of on-campus student housing in order to reduce college and university impacts on the housing stock in adjacent neighborhoods

14. In light of the preceding findings of fact and conclusions of law, the Commission concludes that housing most of the University's undergraduate students on-campus or in a satellite campus is necessary to mitigate the objectionable conditions existing at the present time and that are likely to persist unless effective remedies are undertaken. No

other mitigation measures are likely to reduce adequately the objectionable impacts in the surrounding communities.

15. Accordingly the Order sets a timetable for the University to house most of its undergraduates on campus, or if the University chooses, off campus in University housing. Alternatively to the extent the University does not choose to provide such additional undergraduate housing, the University can reduce its undergraduate enrollment to bring it in line with the availability of University undergraduate housing.

16. Based on evidence in the record, the Commission concludes that the off-campus University-owned townhouses occupied by undergraduates in the 1400 block of 36th Street, N.W., known as Magis Row, if they continue to house undergraduates are likely to remain a source of serious objectionable student conduct and neighborhood disruption.

17. The Commission finds that the proposed increase in graduate enrollment is likely to lead to an increase in the number of graduate students living in the community which in turn would lead to the displacement of permanent, non-student resident housing, to additional traffic and parking demand in the neighborhoods adjoining the University and other objectionable conditions enumerated by OP, the parties in opposition and individual residents.

18. The Commission therefore concludes that the Proposed Campus Plan is likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions, will not be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will tend to affect adversely the use of neighboring property, unless the University implements the following Conditions which address and mitigate the impacts on the surrounding neighborhood from existing conditions and foreseeable impacts from planned future developments

19. In coming to these conclusions, the Commission gives great weight to the reports, testimony, and presentations of OP and ANC 2E. D.C. Code § 6-623.04 (The Zoning Commission is required to give "great weight to the recommendation of the Office of Planning."); D.C. Code § 1-309.10(d)(3) ("The issues and concerns raised in the recommendations of the [ANC] shall be given great weight during the deliberations" by the Zoning Commission).

20. The Commission concludes that the Applicant's proposed Transportation Management Program and parking management program will not sufficiently mitigate the objectionable impacts of student parking demand on residential streets unless conditions are imposed to increase use of public transit and GUTS buses, ensure that GUTS buses follow establish, approved routes, and take appropriate actions to restrict student-owned vehicles and enforce such restrictions..

21. The Commission concludes that the proposed enclosure of Kehoe Field is not likely to be objectionable if a Condition is adopted ensuring that its use will be for specified uses that have not been objectionable in the past.

22. The Commission concludes that the Proposed Campus Plan, as amended by the applicant in the Prehearing Statement, the Rebuttal Submission and the Final Transportation Plan, if modified to be in accordance with the Conditions set forth below is not likely to become objectionable to neighboring property and should be approved.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

Undergraduate enrollment

1. The traditional undergraduate student ("TUS") enrollment shall be capped at 6,652. The number of Full Time Traditional Undergraduates (as defined in BZA Order No. 16566-F, dated June 7, 2005) included in TUS enrollment shall not exceed 6,130.

Maximum total enrollment

2. Maximum total enrollment, including TUS enrollment as capped and all other students taking a minimum of one class at the main campus regardless of program on status, shall be capped at 13,453 for the 2012-2014 academic years.

3. Maximum total enrollment on the main campus shall be capped at 12,453 effective Fall 2014.

4. Medical School and non-traditional program undergraduate enrollment shall not exceed 822 and 727 students respectively.

Campus Housing

5. The University shall provide 250 new undergraduate beds by the Fall semester of 2014 either on the main campus west of 37th Street, NW, or off campus outside the residential areas of zip code 20007(the "Approved Area for Student Housing").

6. The University owned townhouses in the 1400 block of 36th Street, NW (the "Magis Row" townhouses) shall not be used for undergraduate housing after the Spring Semester of 2013.

7. Unless the University prefers that Condition No. 9 apply and so notifies the Zoning Administrator, ANC 2E and the parties, the University shall provide housing in the Approved Area for Student Housing for 90% of its TUS enrollment by the Fall semester of 2015. Excluded from this requirement are students in the following categories: married students, commuters living in the principal residence of their parents or other relative, students studying abroad and any other students with medical conditions, special needs or religious beliefs that make living in university housing impractical or inappropriate.

8. Unless the University prefers that Condition No. 9 apply, the University shall provide housing in the Approved Area for Student Housing for 100% of its TUS

enrollment (minus the excluded categories of students in paragraph 7) by the Fall semester of 2016.

9. If housing is not provided for 100% of the TUS enrollment (minus the excluded categories of students in paragraph 7) by the Fall of 2016, TUS enrollment shall be reduced annually by 25% of the difference between the TUS enrollment and the number of University provided beds, until 100% of the TUS enrollment (minus the excluded categories of students) is housed in University provided housing, effective for the Fall of 2017 through the Fall of 2020.

10. The University may increase TUS enrollment up to the original cap after reductions are made only if additional student housing is provided by the University in the Approved Area for Student Housing for each undergraduate to be enrolled up to the TUS enrollment cap.

11. The University shall not purchase or provide additional off-campus undergraduate housing within zip code 20007 in areas zoned for residential use without the approval of the Zoning Commission.

Enrollment calculation and reports

12. Compliance with enrollment counts shall be calculated each Fall, Spring, and Summer semester and not calculated by averaging between semesters. Enrollment headcounts shall be based on the Integrated Postsecondary Education Database System ("IPEDS") definition of student enrollment and shall be calculated in the Fall semester on the date when the University calculates enrollment for purposes of IPEDS reporting to the US Department of Education. For the Spring and Summer semesters, enrollment headcounts shall be calculated on a date reasonably determined by the University to reflect the maximum undergraduate enrollment for that semester. The University shall provide the Zoning Administrator, ANC 2E and the parties prior to the end of each Spring, Summer and Fall semester a complete report on its total student enrollment and enrollment by student category on campus, including Traditional Undergraduate Student ("TUS") as defined in the Proposed Campus Plan, Traditional Full Time Undergraduate Student as defined in the 2000-2010 Campus Plan, other categories of Undergraduates, Medical School, Traditional Graduate, and School of Continuing Studies Students, Professional students and students in the excluded categories in paragraph 7. The report shall contain the number and location of all University-provided beds for student housing. The Report shall contain a certificate as to its accuracy signed by the Provost of the University.

13. Beginning October 1, 2013 and each October 1 thereafter, the University shall provide the Zoning Administrator, ANC 2E, ANC 3D and the other parties a letter from an independent firm of certified public accountants certifying that the enrollment numbers and University-provided housing numbers for the preceding Fall, Spring and Summer semesters are accurate and have been calculated in conformity with this Order.

Medical Facilities

14. Further processing for the Medical Facilities (including MedStar Health) shall be limited to those identified as MHC-1 through MHC-4, MHC-6 through MHC-9 and MHC-15. If the University wishes to propose a more comprehensive plan for the Medical Facilities' growth, the proposed plan shall be provided as an amendment to the 2010-2020 Final Campus Plan, including parking and traffic impacts.

Transportation and Parking

15. The University 's Final Campus Plan shall include the mitigation measures recommended in the DDOT Report as conditions of approval of the Proposed Campus Plan. The University is encouraged to implement its proposed Harbin Turnaround facility and the pilot program study of permitting left turns on Canal Road during the AM peak period as soon as is feasible, so that all University and Georgetown Hospital buses can use the Canal Road gate to the maximum extent possible, and in no event later than two years from the date the Commission approves the 2010-2020 Campus Plan.

16. The University shall install tracking technology on all GUTS buses to monitor compliance with approved bus routes by December 31, 2012 and shall make information showing compliance with bus routes available quarterly to the Zoning Administrator and ANC 2E.

17. In addition to the University's proposed rules on student cars in its Proposed Campus Plan, on or before December 31, 2012, the University shall also prohibit undergraduates and graduates living off campus in zip code 20007 from driving privately owned vehicles to or from the main campus or parking such vehicles on any streets within zip code 20007. The University shall commit to develop an appropriate educational and enforcement program to implement this requirement within one year from the date of this Order.

Kehoe Field Enclosure

18. The proposed enclosure of Kehoe Field is approved on the condition that the use of the enclosed field will be limited to use between the hours of 6:00 a.m. and midnight, for pre-existing uses consisting of intramural or other non-spectator sports, including team practice, and Trinity School athletics. Other similar athletic uses may be acceptable upon application and approval by the Zoning Administrator, with notice to ANC 2E, ANC 3D and the parties, if the University demonstrates that the use is a use similar to the uses specified above and that it will not be likely to adversely impact any neighborhood property.

Filing Schedule for the 2020-2030 Proposed Campus Plan

19. The University shall file its proposed campus plan 2020-2030 with the Commission no later than June 1, 2020. The proposed plan shall set forth among other things a summary of the University's community outreach on the proposed plan, any

issues raised by residents, the affected ANCs and community organizations, including CAG, BCA and FCCA, and the University's response to each such issue.

Revised Campus Plan

20. The University shall prepare a revised 2010-2020 Campus Plan which incorporates all amendments to the Proposed Campus Plan proposed by the applicant (conditionally or unconditionally) and which is consistent with this Order. The University shall submit an original and 15 copies of the Revised Plan, and a table of changes to the Proposed Campus Plan filed December 30, 2010, to the Commission no later than 30 days from the date of this Order and shall serve all parties with copies. Parties shall have 14 days to submit comments on the revisions. Comments shall be strictly limited to whether the revisions strictly or clearly reflect this Order. After review of the Applicant's proposed Revised Plan and the parties' comments, the Board shall determine whether further proceedings are warranted or shall certify the Revised Plan as the approved Campus Plan. The Revised Plan shall be deemed the approved Campus Plan 60 days after submission, absent action by the Commission.