BZA
Case No. 16553
Exhibit No. 207

Mrs. Barbara F. Kahlow
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2555 Pennsylvania Avenue, N.W.
Washington, DC 20037

September 25, 2000

DISTRICT OF COLUMBIA
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Chairperson Sheila Cross Reid and Members
Board of Zoning Adjustment
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: BZA No. 16553, GWU Foggy Bottom Campus Plan

Dear Chairperson Reid and Other Members:

This letter follows us on my April 16, 2000 letter, which expressed my opposition to the application by the George Washington University (GWU) for a special exception from the Board of Zoning Adjustment (BZA) and the BZA's unconditional approval of the GWU Foggy Bottom Campus Plan for years 2000-2010 (BZA No. 16553). My letter provided three detailed examples (Squares 43, 40 and 122) of GWU's lawless attitude towards the District of Columbia and provided comments on GWU's initial proposal.

This letter provides additional comments on GWU's revised proposal. First, I applaud the Office of Planning's (OP's) September 8, 2000 Supplemental Recommendations report. OP recommended that the BZA "deny" GWU's application (p. 2). By law, the Board is required to "give great weight" to OP's recommendations. OP also recommended that the BZA "reject" GWU's proposed "Housing Opportunity Area" definition and its definition for the "Foggy Bottom Area" (p. 17). These definitions are at the heart of GWU's unacceptable revised campus plan proposal.

GWU defines "Foggy Bottom Area" as "all residentially-zoned property (zones R-1 through R-5) located within the area bounded by 19th Street on the east, E Street on the south, Rock Creek Park on the west, and Pennsylvania Avenue on the north, not including the Housing Opportunity Area." Since much of this area, except the small Foggy Bottom Historic District, is <u>not</u> zoned R-1 through R-5 (instead, it is zoned SP-2, CR, etc.), GWU's definition is not meaningful and, in fact, is quite objectionable. Also, the Foggy Bottom-West End community's north boundary is N Street, not Pennsylvania Avenue. Therefore, GWU's proposal is to open up the entire West End to its land acquisition. This is flatly unacceptable. Since GWU has purchased most rental buildings south of Pennsylvania Avenue, it now apparently wants to do the same north of Pennsylvania Avenue. The BZA should not approve GWU's definition.

Instead, OP uses these acceptable boundaries for the "Foggy Bottom Area," which the BZA should adopt: "all addresses from the center of E Street, NW, north to the center of N Street, NW, and from the center of 19th Street, NW west to Rock Creek Park, *excluding* that area within

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the campus boundary and the 'Housing Opportunity Area.'" Additionally, OP rejects GWU's definition for "Housing Opportunity Area" and redefines it as Squares 43, 122, the Dakota, the Riverside Towers, the Aston, and HOVA (footnote, 17, p. 10). Currently, GWU plans new dorms in Squares 43 and 122 and already - without BZA approval - houses students in the Dakota (immediately South of the campus boundaries), the Riverside Towers (also immediately South of the campus boundaries), the Aston (far North of the campus boundaries), and HOVA (far West of the campus boundaries).

GWU wanted to define this key term to include all of its existing residential facilities (including those outside the campus boundaries) and Squares 43, 58, 81 and 122. OP corrected omitted largely residential Squares 58 and 81. OP wisely stated, "The University's expansive definition of 'Housing Opportunity Area' renders its campus plan boundaries virtually meaningless from the perspective of neighborhood preservation" (p. 20). OP also wisely states, "A secondary concern with further University acquisition of housing stock for use by its students or other University purposes is negative fiscal effect caused by removal of properties from the City tax rolls" (p. 7).

I am also concerned about GWU's plan to effectively extend its campus plan boundaries without the BZA's approval by moving an institutional use (the Elliott School of International Affairs) from on-campus (2013 G Street in Square 102) to off-campus (1957 E Street on Lot 835, Square 122). I recommend that the BZA ask GWU to present its proposal at a separate hearing. Without the BZA's review of all of GWU's institutional uses, GWU's campus plan is basically meaningless.

Lastly, I support OP's recommended enforcement conditions, "that if it finds the University out of compliance with any condition contained in the [BZA] Order, it will notify the Zoning Administrator that the University is out of compliance with the BZA Order, and no further processing of cases will be accepted for filing (except for on campus housing cases), and no pending cases will be allowed to proceed" (p. 33). Without strong enforcement conditions, GWU will continue its lawless disregard for the BZA's Order and other DC legal requirements for property owners.

Thank you for your consideration of my comments. If you have an questions, I can be reached during the day on 226-3058.

Sincerely,

Barbara F. Kahlow

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