GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

H

Application No. 16553-H of the George Washington University, pursuant to 11 D.C.M.R. § 3104.1, for a special exception for the review and approval of the University Foggy Bottom Campus Plan – Years 2000-2010 under Sections 210 and 507.

HEARING DATE: May 6, 2003
DECISION DATE: May 6, 2003

ORDER DENYING MOTION FOR STAY

Preliminary Matters. Following the Board's March 29, 2001 final Order in this proceeding, the George Washington University ("University") filed a petition for review with the District of Columbia Court of Appeals. It also filed a civil action in the United States District Court for the District of Columbia against the Board, its members, the District of Columbia, and Mayor Anthony Williams. On June 15, 2001 the district court issued a preliminary injunction preventing enforcement of Condition No. 9 of the March 29, 2001 Board Order during academic year 2001-2002, or until further order of the court.

After the issuance of the preliminary injunction by the district court, the Office of the Corporation Counsel, with the consent of the Board, filed a motion in the District of Columbia Court of Appeals to remand the case to the Board for further consideration of the Board's decision in light of the preliminary injunction. On July 31, 2001, the Court of Appeals remanded the case without limitation as to the scope of the remand proceeding. The Board held evidentiary hearings on September 17 and 21, 2001, issued a proposed Order, and then a Final Order on Remand, effective January 23, 2002, that incorporated and adopted the March 29, 2001 Order, except as revised.
The University again sought a preliminary injunction before the district court and the parties filed cross motions for summary judgement. On April 12, 2002, the district court issued a memorandum and order finding that all of condition 9 (except the unchallenged reporting requirement) and condition 10 violated substantive due process. However, no injunction was issued, without prejudice to a renewed motion should the Board fail or threaten to fail to honor the rulings.

The University also sought review of the Final Order on Remand in the District of Columbia Court of Appeals. On May 20, 2002, the Court, acting on a joint motion, consolidated the University's two appeals and held them in abeyance pending

Case No. 16553-H
Exhibit No. 408

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.408

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING
441 4TH STREET, N.W. SUITE 210
WASHINGTON, D.C. 20001

OFFICIAL BUSINESS
PENALTY FOR MISUSE



Richard Sheehey, Commissioner
Single Member District 2A01
2000 F Street, NW, Suite 207
Washington, D.C. 20006

SHEE000 2000685501 1N 06 06/30/03
RETURN TO SENDER

16553-H

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

20006X4226 C090