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James A. van Sweden

3222 N Street, N.W.
Washington, DC 20007
TEL: 202-337-7313
FAX: 202-333-1088
E-Mail: cagmail@cagtown.org
www.cagtown.org

December 14, 2001

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, N.W.
Washington, D. C. 20001

Dear Mr. Chairman:

Re: BZA Application No. 16566 of Georgetown University
BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

The Citizens Association of Georgetown, Burleith Citizens Association, Cloisters in Georgetown Homeowners Association, Foxhall Community Citizens Association, and the Georgetown Residents Alliance provide the following comments on Georgetown University's proposed revisions of November 14, 2001, to its campus plan of May 30, 2000. These comments and the accompanying proposed revisions are submitted under Condition 18 of BZA Order No. 16566, of March 29, 2001, as modified by Order No. 16566A of August 6, 2001 (together, the "Board Order").

As a university operating in a residential zone, Georgetown University ("Georgetown") is required to request a special exception to sections 210 and 3104 of the Zoning Regulations by providing an updated campus plan for a period of 10 years. The Board is authorized to grant a special exception where, "in the judgment of the Board 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." The Board Order granted Georgetown the special exception subject to mandatory conditions meant "to minimize any impacts from existing conditions and any potential impacts from planned future development."

In total, the Board Order lists 19 conditions for Georgetown to address and satisfy in its revised campus plan. The proposed revisions to the campus plan submitted by Georgetown, however, addresses only a portion of the listed conditions. Specifically, the revised campus plan refers to only four conditions of the Board Order, namely 2, 4(b), 6, and 16(c). Some conditions set forth in the Board Order, such as Condition 18, are procedural in nature and do not require textual revisions to the revised campus plan. Other conditions, however, require significant additions to be made to the campus plan to bring it into compliance with the conditions set forth in the Board Order.

BZA
Case No. 16566
Exhibit No. 259

Board of Zoning Adjustment
District of Columbia
CASE NO.16566
EXHIBIT NO.259

Because the proposed revised campus plan fails to reflect the Board Order, and is thus inconsistent with that Order, the Board should neither certify nor approve that plan for filing in the Office of Zoning and the Office of the Zoning Administrator. In the interests of timeliness, however, future proceedings should be simplified so as to realize the intention of the Board Order as completely and as quickly as possible. To this end, we suggest that the Board issue an order requiring Georgetown to amend its proposed campus plan to incorporate the provisions of the Board Order and to provide the supplemental documentation necessary to evaluate its compliance with that Order. Compliance with the provisions of the Board Order requires Georgetown to draft several new policies and to include them in its campus plan. The proposed order we attach requires Georgetown to submit these new documents along with its revised campus plan to the Board within 14 days of the effective date of the proposed order.

The signatories are aware of and support the separate filing of the Hillandale Homeowners Association, which is not inconsistent with this proposal. However, we believe that sufficient time (2 years) has passed for Georgetown not only to recognize the obligations imposed on it by the Board Order in its revised campus plan, but to demonstrate compliance with it.

Procedurally, we are concerned about the modified Condition 18 of Board Order 16566A (August 6, 2001), which imposes a 60-day period for Board review and action on the revised campus plan. Since that period expires January 14, 2001, if the Board is unable to take action on the revised plan during that period, the review period should be extended.

Respectfully submitted,

Barbara Zartman

Barbara Zartman, Chair
Historic Planning and Zoning Committee

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Office of Zoning

Application No. 16566 as modified by Application No. 16566A 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 – years 2000-2010 under Section 210 in the R-3 and C-1 Districts at premised 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, and 811-815; Square 1248, Lots 122-125, 150-157, 800-802, 804-806, 829-831, and 834-835; Square 1321, Lots 815-817.)

ORDER

By Order issued March 29, 2001 the Board approved the University Campus Plan (the "Campus Plan") until December 31, 2010, subject to conditions intended to mitigate adverse impacts arising from the location of a university in a residentially zoned district. In addition to the President and Directors of Georgetown College (hereinafter "University" or "Applicant"), parties to the proceeding were Advisory Neighborhood Commission 2E ("ANC 2E"), the Burleith Citizens Association, Citizens Association of Georgetown, Cloisters in Georgetown Homeowner's Association, Foxhall Community Citizens Association, Georgetown Residents Alliance, and Hillendale Homeowners Association.

By Reconsideration Order issued August 6, 2001 (No. 16,566A), the Board modified several of these conditions. By Order dated October 9, 2001, the Board denied Applicant's motion for a stay of the requirements in Conditions 7, 10, and 14 of the March 29 Order as modified. On November 14, 2001, Applicant submitted, for the Board's approval and certification, a revised University Campus Plan.

Upon consideration, the Board has found that the revised Campus Plan fails to address and satisfy the conditions listed in Order No. 16,566 and Order No. 16,566A. Specifically, the revised Campus Plan fails to include documentation of the adoption and implementation by the Applicant of several conditions imposed by the Board to approve conditionally Applicant's proposed campus plan. It is ACCORDINGLY HEREBY ORDERED AS FOLLOWS:

1. The Applicant shall incorporate an "Appendix O" in substantially the form attached hereto into the Campus Plan, supplemented as necessary.

2. The Applicant shall provide all documents necessary to permit a meaningful evaluation of its compliance with the conditions set forth in Order No. 16,566 and Order No. 16,566A. These documents shall include, but are not limited to, the Exhibits referred to in "Appendix O."

APPENDIX O

Compliance with Certain Board of Zoning Adjustment Orders

Georgetown University (the "Applicant") seeks to demonstrate its compliance with certain provisions of Order No. 16,566, of March 29, 2001, as modified by Order No. 16,566A of August 6, 2001, of the Board of Zoning Adjustment ("Board Order") by incorporating the following provisions and attached exhibits into this Campus Plan. [The other provisions in the Board order are addressed elsewhere in this Campus Plan.]

Board Order

3. *The Off-Campus Student Affairs Program implemented and enforced by the Applicant shall specify that off-campus housing is a privilege that can be revoked due to student misconduct, whether a violation occurs on- or off-campus.*
   - **a)** *The Applicant shall ensure that the Off-Campus Student Affairs Program is fully funded and staffed, and shall obtain the endorsement of the University's Board of Directors for the program and its implementation.*
   - **b)** *The Off-Campus Student Affairs Program shall specify the measures that University personnel shall undertake, immediately upon receiving a complaint regarding student misconduct, to resolve any objectionable behavior pending the University's investigation of a complaint.*
   - **c)** *The Off-Campus Student Affairs Program shall conduct at least annually a community education workshop that is mandatory for all students living off-campus.*

Applicant Response

- **[See "Policies and Procedures" issued by the Off-Campus Affairs Program attached as Exhibit A.]**
- **[See University Board statement attached as Exhibit B.]**

Board Order

4. *The Off-Campus Student Affairs Program shall adopt and enforce a Code of Student Conduct.*
   - **a)** *The Code of Student Conduct shall clearly describe appropriate standards of behavior, delineate misconduct that constitutes a violation of the Code, and specify the sanctions that will be imposed for violations, particularly with respect to the consequences of repeated violations.*

5. *The Code of Student Conduct shall provide that, once a complaint is received concerning a student's off-campus conduct, a University officer (e.g. the Vice President for Student Affairs or Assistant Dean for Off-Campus Student Affairs) shall determine whether probable cause exists to bring the complaint before a Hearing Board, thereby relieving the original complainant of the obligation to pursue the matter.*

Applicant Response

- **[See Code of Student Conduct attached as Exhibit C.]**

Board Order

7. *When the Applicant, upon investigation of a complaint or by any other means, receives evidence of a violation of sanitation or housing regulations involving or affecting students living in an off-campus residence, the Applicant shall report the violation to the housing provider, the Department of Consumer and Regulatory Affairs, Department of Public Works, or other agency as appropriate. The Applicant shall monitor enforcement of reported violations to determine whether necessary inspections have occurred and whether fines have been issued and paid, and shall keep detailed records of reported complaints and responses.*

Applicant Response

- **[See "Statement on Housing and Sanitation Violations" attached as Exhibit D.]**

Board Order

8. *The Applicant shall ensure that complaints are heard by a Hearing Board comprising two students and two faculty members, reflecting the University's recognition of the seriousness of complaints about student misconduct.*

Applicant Response

- **[See Code of Student Conduct attached as Exhibit C.]**

Board Order

9. *The Applicant shall make publicly available data indicating the number and types of complaints received concerning student misconduct, and the outcome of each complaint, including whether sanctions were imposed and whether any fines paid. The Applicant shall also report this information quarterly to the Office of Planning, the Zoning Administrator, ANC 2E, and the Alliance for Local Living, and to other interested community organizations that may request the information.*

Applicant Response

- **[See "Statement on Community Cooperation" attached as Exhibit E.]**

Board Order

10. *The Applicant shall report a violation of the Code of Conduct to the parents or guardians of the violator to the extent permitted by law.*

Applicant Response

- **[See Code of Student Conduct attached as Exhibit C.]**

Board Order

11. *The Applicant shall avoid scheduling events that attract large numbers of visitors to the campus during the peak traffic times of 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. The Applicant shall employ campus personnel as necessary to direct visitors to campus parking areas and to ensure smooth flow of traffic into and out of the campus.*
    a) *All weekday evening performances at the Performing Arts Center expected to draw more than 100 visitors shall begin no earlier than 7:00 p.m.*
    b) *Athletic events at Harbin Field expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m.*

12. *The Performing Arts Center, Harbin Field, and McDonough Arena shall be used for purposes related to the University or the community, and not for non-University events whose primary purpose is revenue generation.*

Applicant Response

- **[See "Statement of Purpose for the Performing Arts Center, Harbin Field and McDonough Field" attached as Exhibit F.]**

Board Order

13. *The helipad shall be used only for medically necessary purposes. The Applicant shall provide monthly reports regarding use of the helipad, including credible evidence of medical necessity associated with its use, to ANC 2E, the Alliance for Local Living, and other community organizations that request the information.*

Applicant Response

- **[See "Helipad Use Reporting Policy" attached as Exhibit G.]**

Board Order

14. *The Applicant, through its Office of the Registrar, shall maintain an accurate record of the license plate numbers of motor vehicles kept by all University students. The Applicant shall direct its students to register their vehicles in the District of Columbia, or obtain a reciprocity sticker if eligible to do so, and shall consult with the D.C. Department of Motor Vehicles to determine whether such registration is completed or such stickers are obtained. The Applicant shall withhold parking privileges to students who do not comply with D.C. registration requirements. Failure to abide by District law concerning registration of student vehicle shall constitute a violation of the Code of Student Conduct.*

Applicant Response

- **[See "Student Vehicle Policy" attached as Exhibit H]**
- **[See Code of Student Conduct attached as Exhibit C.]**

Board Order

15. *The Applicant shall maintain at least 4,080 off-street parking spaces within the campus boundary and shall ensure that not more than one percent of the parking inventory is taken out of service at any one time.*

16. *The Applicant shall enhance its Transportation Management Program:*

a) *to promote greater transit usage, including increased ridership of the GUTS bus service;*

b) *to provide additional parking in satellite locations linked to the campus by shuttle bus;*

c) *to work with the community, MedStar, and the Department of Public Works as part of a cooperative team effort to look at mitigation strategies for Reservoir Road.*

Applicant Response

- **[See revised "Transportation Initiatives and Management Plan" in Appendix M and/or "Transportation Management Program" attached as Exhibit I.]**

CERTIFICATE OF SERVICE

This is to certify that on December 14, 2001, I caused to be delivered by hand a copy of this submission to the following parties:

Maureen E. Dwyer, Esq.
Shaw Pittman
2300 N Street, N.W.
Washington, D. C. 20037-1128

ANC 2E
3265 S Street, N.W.
Washington, D. C. 20007.

By agreement with the other parties who participated in preparation of this document, service was by first-class mail to:

Burleith Citizens Association
Ed Solomon, President
1807 37th Street, N.W.
Washington, D. C. 20007

Foxhall Community Citizens Association
Peter Ross, President
1413 Foxhall Road, N.W.
Washington, D. C. 20007

Georgetown Residents Alliance
Don W. Crockett, President
3070 Que Street, N.W.
Washington, D. C. 20007

Hillandale Homeowners Association
Scott Anderson, General Manager
3939 Hillandale Court, N.W.
Washington, D. C. 20007



Barbara Zartman