GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16566-C 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 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: June 13, and July 18, 2000

DECISION DATES: September 5, November 8, and December 5, 2000

ORDER DATE: March 29, 2001

RECONSIDERATION DECISION DATE: June 5, 2001

STAY DECISION DATE: September 4, 2001

CERTIFICATION DECISION DATE: March 5, 2002

ORDER CERTIFYING REVISED PLAN

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

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CASE NO.16566
EXHIBIT NO.266

BZA
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Exhibit No. 266

On April 11, 2001, Cloisters submitted a timely request for reconsideration of the March 29 Order. Responses were filed May 10, 2001 by the Applicant, CAG, and Burleith. In its Order on Reconsideration (Application No. 16566A, "Reconsideration Order"), issued August 6, 2001, the Board modified certain of the conditions adopted in the March 29 Order.

Condition No. 18 of the March 29 Order, as amended by the Reconsideration Order, directed the Applicant to prepare a revised campus plan consistent with the conditions of approval adopted by the Board. Parties were granted an opportunity to comment on whether the Applicant's proposed revised plan correctly and clearly reflected the conditions of plan approval.

The Applicant submitted its proposed revised plan on November 14, 2001. Comments were filed December 14, 2001 by Hillandale, and on December 17, 2001 collectively by CAG, Burleith, Cloisters, Foxhall, and GRA. The Applicant responded to those comments December 27, 2001. The comments filed by the neighborhood associations state that the proposed revised plan submitted by the Applicant does not reflect the conditions adopted by the Board completely and accurately. In its response, the Applicant requested that the Board find that the proposed revised draft is entirely consistent with the relevant Orders and certify it as the approved Campus Plan.

FINDINGS OF FACT:

The Board is unable to find, as the Applicant requests, that the proposed revised plan is "entirely consistent" with the conditions of approval adopted in the March 29 Order, as revised by the Reconsideration Order. The Applicant's table of changes, required by Condition No. 18 to delineate the changes made to the originally filed proposed campus plan to reflect the Board's Orders, reveals only seven changes, which address only the term of the plan, undergraduate enrollment, the code of student conduct, and the transportation management plan. The March 29 Order set forth 19 conditions, which reflect these and other matters not shown in the Applicant's table of changes or in its proposed revised plan.

CONCLUSIONS OF LAW:

The Board concludes that the Applicant's proposed revised plan must be supplemented with a clear, complete, and accurate statement of all conditions of approval of the Campus Plan as set forth in the March 29 Order and Reconsideration Order. Accordingly, the Board certifies as the approved Campus Plan the proposed revised plan submitted by the Applicant together with this Order, which restates the conditions previously adopted by the Board in the March 29 Order and revised in the Reconsideration Order. The conditions listed in this

Order shall be considered part of the approved Campus Plan and shall govern in case of any conflict or inconsistency with the Applicant's proposed revised plan.

Accordingly, it is **ORDERED** that the Applicant's proposed revised plan is **CERTIFIED** as the approved Campus Plan **SUBJECT** to the following **CONDITIONS**:

1. The Applicant's proposed campus plan is approved until December 31, 2010, subject to the following conditions intended to mitigate any adverse impacts potentially arising from the location of a university use in a residentially zoned district, or until such time prior to December 31, 2010 as the Zoning Commission determines that conditions warrant submission of an updated campus plan or grants a request to amend the plan.*

2. The Applicant shall not increase undergraduate enrollment above the cap of 5,627. This cap shall apply to traditional full-time undergraduate students; that is, undergraduate students who require housing.

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.

4. The Off-Campus Student Affairs Program shall adopt and enforce a Code of Student Conduct.

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* The conditions marked with an asterisk denote conditions adopted in the March 29 Order as modified by the Reconsideration Order of August 6, 2001. The remainder were adopted by the Board in the March 29 Order.

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.

b) The Applicant shall distribute copies of the Code of Student Conduct to students at least annually, and shall require students to certify in writing that they agree to adhere to the Code.

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.

6. The Applicant shall maintain a telephone hotline to receive complaints regarding student misconduct. The hotline shall be staffed 24 hours per day, seven days per week, by University personnel who shall keep a detailed record of each complaint received and shall forward each complaint to the appropriate authorities for immediate response.

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.

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.

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.

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.

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.

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.

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 vehicles shall constitute a violation of the Code of Student Conduct.*

15. The Applicant shall maintain a parking inventory of 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.

17. The Applicant shall include, in all future applications for further processing of the campus plan, the following information:
    a) actual enrollment of traditional undergraduate students, as of 30 days prior to the hearing date, including documentation and an explanation of the methods and assumptions used in the calculation;
    b) whether the Southwest Quadrangle project has been completed, and, if so, the date it began use as an undergraduate dormitory;
    c) a progress report on the implementation and operation of the Off-Campus Student Affairs Program, including information on number of complaints received concerning student misconduct, reported violations, and outcomes, including what sanctions were imposed and the fines paid, if any;
    d) the number of off-street parking spaces within campus boundaries, as of 30 days prior to the hearing date, including documentation and an explanation of the methods and assumptions used in the calculation; and
    e) a status report on the Transportation Management Program.

18. The Applicant shall prepare a revised campus plan that is consistent with this Order, accompanied by table of changes that lists each page on which a change appears and describes each change. The Applicant shall submit an original and 10 copies of the revised plan to the Board no later than 90 days from the effective date of this Order, and shall, on the same day, serve a copy of the revised plan and table of changes on each party to this proceeding. Each party shall have 30 days in which to submit to the Board, and to serve on all other parties, its comments on the Applicant's proposed changes. Comments on the revisions shall be strictly limited to whether the revisions correctly and clearly reflect the 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 approved 60 days after submission, absent action by the Board before that date. Copies of the approved plan shall be maintained in the Office of Zoning and the Office of the Zoning Administrator.*

19. No special exception application filed by the University for further processing under this plan may be granted unless the University proves that it has consistently remained in substantial compliance with Conditions 1 through 18 set forth in this Order. Further, any violation of a condition of this Order shall be grounds for the denial or revocation of any building permit or certificate of occupancy applied for by, or issued to, the University for any University building or use approved under this plan, and may result in the imposition of fines and penalties pursuant to the Civil Enforcement Act, D.C. Code §§ 2-1801.01 to 2-1803.03 (2001).

VOTE: **5-0-0** (Geoffrey H. Griffis, Anne M. Renshaw, Curtis L. Etherly, Jr., David W. Levy, and Herbert M. Franklin to approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member has approved the issuance of this order.

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAY 2 2 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED,

CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. SEE D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16566-C

As Director of the Office of Zoning, I hereby certify and attest that on MAY 2 2 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, N.W.
Washington, D.C. 20007

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

Charles R. Braum
Hillandale Homeowners Association
4030 Chancery Court, N.W.
Washington, D.C. 20007-2144

Barbara B. Downs, President
Citizens Association of Georgetown
3222 N Street, N.W.
Washington, D.C. 20007

Patricia Scolaro, President
Burleith Citizen's Association
1807 37th Street, N.W.
Washington, D.C. 20007

Georgetown Residents Alliance
Don W. Crockett, Esquire, Chairman
3070 Q Street, N.W.
Washington, D.C. 20007

R.D. Andrew, President
Foxhall Community Citizen's Association
1413 Foxhall Road, N.W.
Washington, D.C. 20007

Stephen A. Hopkins, President
Cloisters in Georgetown Homeowners
Association, Inc.
3524 Reservoir Road, N.W.
Washington, D.C. 20007

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Kenneth G. Laden, Administrator
District Division of Transportation
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20009

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director