West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

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February 25, 2001

Ms. Jerrily R. Kress
Director
Office of Zoning
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: BZA No. 16701, Request for Party Status in Appeal of Zoning Administrator 's Decisions on 1957 E Street, NW (Square 122, Lot 835)

Dear Ms. Kress:

This letter is to request "party" status for the West End Citizens Association (WECA) in BZA No. 16701, an appeal of the Zoning Administrator's administrative decisions for 1957 E Street, N.W. (Square 122, Lot 835). The WECA, founded in the 1890's and one of the oldest citizen associations in DC, is the principal community organization in the George Washington University (GWU) neighborhood. It is primarily interested in maintaining a residential neighborhood in Foggy Bottom-West End and in keeping GWU - especially its institutional uses - within its campus plan boundaries.

On September 25, 2000, the WECA initiated the Foggy Bottom-West End community's objections to GWU's "secret" - never presented to the community, the Zoning Commission (ZC) and/or the Board of Zoning Adjustment (BZA) - plans for 1957 E Street by filing motions with the Office of Zoning (OZ) requesting party status for the 1993 conditionally approved planned unit development (PUD) for then owner of 1957 E Street, the Associated General Contractors, and requesting that the ZC declare this PUD null and void (ZC Case No. 93-5F/91-18P). On September 25th, the WECA also filed a motion with the OZ for a declaratory ruling of noncompliance with GWU's then current campus plan (BZA No. 14455). At its October 16th meeting, the ZC referred these motions to the Zoning Administrator (ZA).

On November 17th, WECA President John C. ("Jack") Batham and WECA Member Barbara Kahlow met with ZA Michael Johnson. On November 20th, OZ sent WECA a letter (postmarked 11/28 and received 11/29) stating that its September 25th letters had been forwarded to the ZA for action. On December 4th at a Foggy Bottom Association meeting, Mrs. Kahlow asked Mayor Anthony Williams about DC's policies relating to GWU's proposed off-campus institutional use at 1957 E Street. On December 5th, the WECA requested copies from the ZA of GWU's permit applications for 1957 E Street. On December 27th, after non-receipt of the requested permit applications, the WECA filed a Freedom of Information Act (FOIA) request for all GWU permit applications for 1957 E Street. On January 30, 2001, the WECA finally received a fax including only three of GWU's December 1999-December 2000 permit applications and DC's three

BZA
Case No. 16701
Exhibit No. 13

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.13

December 2000 permits for them (i.e., GWU's January 2000 raze permit application and DC's February 2000 raze permit were not included). Oddly, GWU's December 7, 1999 building permit application shows a sign-off by zoning on November 17, 2000, the day of our meeting with the ZA.

Finally, on January 2, 2001, the WECA received a faxed copy of a December 27, 2000 letter from ZA Michael Johnson to WECA President John C. Batham, captioned "Zoning Commission Case No. 93-5F/91-18P (1957 E Street, N.W.; Square 122, Lot 835)," and stating that, a "building permit **may** be issued" (emphasis added) and "It is premature for this Office to make any findings regarding the actual uses in the proposed buildings (sic)." The building permit was issued the next day. On January 19th, the Foggy Bottom and West End Advisory Neighborhood Commission (ANC-2A) appealed the ZA's decisions for 1957 E Street, since assigned BZA No. 16701.

The BZA's public hearing notice, published on February 16th, required organizations "wishing" party status to request such in accordance with Subsection 3106.2. According, here is the requested information for the WECA:

(a) The person's name and address - West End Citizens Association, P.O. Box 58098, Washington, DC 20037-8098.

(b) A request to appear and participate as a party - this letter constitutes the WECA's request for party status.

(c) Whether the person will appear as a proponent or opponent of the application or appeal - the WECA will appear as a proponent of the appeal of the ZA's decisions and an opponent of GWU's "secret" plans.

(d) Whether the person will appear through legal counsel and, if so, the name and address of such legal counsel - presently, the WECA will not appear through legal counsel but it reserves the right to retain legal counsel. Expected witnesses include some or all of the following: WECA Member Barbara Kahlow, WECA President Jack Batham, and WECA Secretary Sara Maddux, who was ANC-2A Chairman during the AGC PUD application and ZC hearing period.

(e) A written statement setting forth why the person should be granted party status, including reference to the following -

> (1) The property owned or occupied by such person, or in which such person has an interest, that will be affected by the action requested of the Board - the WECA includes Members from 15th Street on the East, Potomac Park on the South, Rock Creek and the Potomac on the West, and N Street on the North, i.e., WECA Members own or occupy many directly affected properties.

(2) The legal interest such person has in such property, such as owner, tenant, trustee or mortgagee - WECA Members include many owners and tenants with a legal interest in the subject property.

(3) The distance between such person's property and the property that is the subject of the application or appeal before the Board - the subject property lies within the WECA's boundaries.

(4) The environmental, economic or social impacts that are likely to affect such person and/or such person's property if the action requested of the Board is approved or denied - GWU's proposed site use for institutional and dormitory uses would negatively affect WECA Members; in fact, GWU's expansion outside the old and new campus plan boundaries causes considerable concern to WECA Members about the continued quality of residential life in Foggy Bottom-West End. Additionally, 1957 E Street was specifically excluded by the DC City Council from the Central Employment Area and thus is subject to the DC Environmental Policy Act (Sec. 199.1 of the Comprehensive Plan Amendment Act of 1999, DC Act 12-609). GWU purchased the subject property after the effective date of DC Act 12-609. To date, there has been no compliance by GWU with the DC Environmental Policy Act, including preparation of an environmental impact statement which would identify the full range of adverse environmental effects on WECA Members.

(5) Any other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied - besides adverse environmental effects, such as reduced on-street parking and increased traffic, WECA's Members could have property values negatively affected, substantial rent increases, etc. The bottom line is that WECA Members' interest will be significantly, distinctively, and uniquely affected. Subsection 3106.3 requires the Board to grant party status if the person "has clearly demonstrated that his or her interests will be more significantly, distinctively or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public." The WECA clearly meets this test.

Thank you for your consideration of this request.

Sincerely,

John C. Batham

John C. Batham
President