Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

March 23, 2001

Ms. Jerrily Kress, Executive Director
Office of Zoning
441 4th Street, NW, Room 210
Washington, DC 2001

D.C. OFFICE OF ZONING
2001 APR -3 PM 2:59
RECEIVED

Re: BZA Case No. 16701, ANC-2A's Appeal to the BZA of the Zoning Administrator's Approval to Issue Permits to GWU for use of Square 122, Lot 835, Located at 1957 E Street. NW

Dear Ms. Kress:

Advisory Neighborhood Commission 2A at its regular monthly public meeting on March 21, 2001, properly noticed and with a quorum present, voted 5-0, to approve Resolution #01-3B regarding the administrative decision of the Zoning Administrator, Zoning Review Branch, Department of Consumer and Regulatory Affairs, to issue a building permit in BZA Case No. 16701 that violated the conditions of the PUD, ZC Orders No. 467 and 467A.

The Commission unanimously voted to have Ms. Elizabeth Elliott, ANC Chair, to represent the Commission at the April 10, 2001, BZA pubic hearing. ANC-2A also approved the right to retain legal counsel, should it become necessary.

The Home Rule Charter for the District gave ANCs the power to represent local residents in expressing community concerns before District agencies, and decreed that the concerns expressed by the ANC be given "great weight" or that a written rationale be given as to why the agency took a position different from that of the ANC.

Respectfully submitted.

James E. Patterson

James E. Patterson, Secretary
Advisory Neighborhood Commission 2A

Enclosure (1) Resolution

BZA
Case No. 16701
Exhibit No. 16

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.16

THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD COMMISSION (ANC-2A) passed the following Resolution #01-3B

ANC-2A's Appeal to the BZA for a Review of the Zoning Administrator's Approval to Issue Permits to GWU for use of Square 122, Lot 835, Located at 1957 E Street, NW

WHEREAS, ANC-2A on April 12, 2000, passed Resolution #00-4D setting forth the reasons for its opposition to the applicant's plans and requesting that the Zoning Commission: (1) not extend the 1993 conditional PUD to GWU; and (2) that GWU be required to submit its plans that differ from the 1993 conditional PUD to the ZC at a public hearing; and,

WHEREAS ANC-2A's resolution also requested that GWU fully comply with the DC Environmental Policy Act prior to any construction on the site, since following the conditional approval of the AGC PUD, the Comprehensive Plan Amendments Act of 1999 moved the Central Employment Area (CEA) to 19th Street, NW, moving Square 122, Lot 835, located at 1957 E Street, NW, outside the CEA; and,

WHEREAS ANC-2A's approval of the AGC Application as presented at a public hearing held on July 26, 1993, and the Order adopted on November 15, 1993, were based on 31 facts submitted at that time; and,

WHEREAS Z.C. Order No 746 became final and effective on December 10, 1993, for a period of two years, until December 10, 1995, provided application for a building permit was filed within that period of time, after which construction would have to start by December 10, 1996; and,

WHEREAS the Zoning Commission's approval Decision, Order No. 746, was conditioned on 21 provisions, No. 17 being "...The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with the order and amendments thereto of the Zoning Commission;" and,

WHEREAS by letter dated November 13, 1995, the AGC, filed a request to extend the validity of the previously approved PUD for a period of two years; and,

WHEREAS the request was referred to the Office of Planning (OP) for any changes since the ZC had originally decided the case; and,

WHEREAS the request was heard on February 12, 1996, and approved on March 11, 1996, wherein ZC Order No. 746-A extended the Order for a period of two years, that is until December 10, 1997, with the condition that a building permit be obtained and construction started within one year; that is not later than December 10, 1998; and,

WEREAS the four construction permits filed on by GWU, 12/13/00, 12/28/00, 12/28/00 and 1/29/01, were applied for after the December 10, 1997, deadline stated in ZC Order 746-A; and,

WHEREAS ANC-2A's request for review came about because GWU's plans call for a substitution of permanent residents with transient students, as well as the moving of a University use building from the campus area to a site outside the campus, and because the applicant made no presentation of the project to ANC-2A; and,

WHEREAS the Zoning Administrator's decision not to review the proposed uses for compliance with ZC Orders No.746 and 746A when the request was filed, but after construction is completed, is not supported by zoning regulations and is illogical.

THEREFORE BE IT RESOLVED that ANC-2A appeals to BZA to revoke the ZA decision to issue permits to GWU on plans that fail to conform to the conditions that the ZC placed in its Orders 746 and 746-A, which state that the owner (AGC) and all successors in title (GWU) shall be bound to construct on and use the property in accordance with the orders and amendments thereto of the Zoning Commission; and,

BE IT FURTHER RESOLVED that in accordance with the change in the Comprehensive Plan Amendments Act of 1999, that removed Square 122 from the CEA, and required that GWU fully comply with the DC Environmental Policy Act, that GWU be required to file an Environmental Impact Statement before any further construction on the site.

DATE: March 21, 2001

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 ELLIOTT				✓		
02 PRICE	✓					✓
03 TYLER	✓					
04 PATTERSON	✓					
05 MILLER	✓				✓	
06 MAROOTIAN	✓					

James E. Patterson

~~CHAIRPERSON~~/SECRETARY