1/14/03 Rebuttal & Closing Statement by Appellant

The WECA has shown by a preponderance of the evidence that:

1. GWU is out of compliance with Zoning Order No. 746-C for the 1957 E Street PUD by:
   - not contributing the unconditionally-required **$100,000** contribution to the Foggy Bottom Feeding Program Foundation by the 8/16/02 deadline & to this day - the Order clearly did not require that a feeding program be in operation before the transfer of funds
     - o during the 12/17/02 hearing, the Zoning Administrator admitted that GWU may have intended but did not meet the letter of this condition (saying, "They complied with the intent, but not the letter of the order"); in fact, GWU's attempt failed since the so-called escrow account was totally & solely within GWU's control
   - not instituting a **parking restriction** policy for the Fall 2002 semester
     - o GWU's 1/2/03 late filing was proof positive that it did not institute this restriction before the start of the Fall 2002 semester & its 10/31/02 late attempt was too little, too late & utterly ineffective, &
   - not complying with the **DC Environmental Policy Act** for new projects after 8/17/01, including 3 projects in the 23rd St. corridor
     - o the WECA's 12/31/02 filing expressed the WECA's view that the BZA has a key role in assuring that this law is not meaningless within DC
2. DCRA **improperly issued a CofO** on 8/16/02, with knowledge that GWU was not yet in compliance
3. DCRA has **failed to enforce** the Zoning Order No. 746-C, including issuing the required **daily fines**

The WECA requests that the BZA:

1. **Revoke the CofO** for the western (Student Housing/Dormitory) part of 1957 E Street so that students cannot occupy the dorm until GWU is in full compliance
2. **Do not issue a CofO** (or revoke one if issued since the 12/17 hearing) for the eastern (Elliott School) part of 1957 E Street
3. Retroactively - back to 8/16/02 - **issue daily maximum fines** "for each & every day the violation continues"
4. **Admonish GWU to** - from this day forward - scrupulously **comply** with each condition in a BZA & ZC Order & with each requirement of DC law, e.g., to prepare an EIS for any intended use of the old hospital site

BZA
Case No. 16950
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.44