

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

EXCERPT

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TUESDAY

OCTOBER 9, 2001

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The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:00 a.m., Sheila Cross Reid and Geoffrey H. Griffis, Chairpersons, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson (before 1:00 p.m.)
GEOFFREY H. GRIFFIS	Chairperson (after 1:00 p.m.)
ANNE MOHNKERN RENSHAW	Vice Chairperson
DAVID LEVY	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner
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COMMISSION STAFF PRESENT:

Jerrily R. Kress, Director
Sheri M. Pruitt, Secretary, BZA
Beverly Bailey, Office of Zoning
Paul O. Hart, Office of Zoning
John K. A. Nyarku, Office of Zoning

OTHER AGENCY STAFF PRESENT:

David R. King, Chief of Staff, Office of
Planning
Julie Wagner, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Lutz Prager, Esq.

P-R-O-C-E-E-D-I-N-G-S

(11:04 a.m.)

CHAIRPERSON REID: Are we ready Board members? Staff?

All right. Let's roll.

All right. Now, this is our October 9th, year 2001,
Special Meeting of the Board of Zoning Adjustment.

Mr. Hart?

MR. HART: Madam Chair, the Secretary will take over
here. Ms. Pruitt?

SECRETARY PRUITT: Madam Chair, before you you have
the GW remand question for decision.

CHAIRPERSON REID: Would you read what the decision --

SECRETARY PRUITT: I don't have a copy of it.

CHAIRPERSON REID: -- or give a little bit more
information for the record.

SECRETARY PRUITT: Application 16553, Application of
The George Washington University, pursuant to 11 DCMR 3104.2, for
a special exception for the review and approval of the University
Foggy Bottom Campus Plans, year 2000 to 2010, under Sections 210
and 507.

The boundaries are as follows: Pennsylvania Avenue
to the north; 19th Street, H Street, 20th Street, G Street to the
east; F Street to the south; and 23rd, G, and 24th Streets to the
west. And it also includes a portion of Square 122 extending south
of F Street along 19th Street. Those are the boundaries. I won't

1 read off all of the lots because there are too many of them.

2 Hearing dates were April 26th, September 13th, and
3 September 26th. Decision dates were April 12th and February 13th.

4 CHAIRPERSON REID: What year?

5 SECRETARY PRUITT: 2000. Well, April 12th of 2000,
6 February 13th of 2001. Final order dates: March 29, 2001. It is
7 now before you as a remand decision.

8 CHAIRPERSON REID: Thank you very much, Ms. Pruitt.

9 Board members, as you are well aware, this case that
10 is before us today for our decision is one that has been fraught
11 with a great deal of complexity, and which we have all grappled with
12 as to the decision. And, basically, it stems around condition number
13 9.

14 We did have some discussion about which way to go with
15 this, given the voluminous amount of materials and the testimony
16 and the like, and the fact that at this point in time we need to
17 look at issues germane to this case, to cut right to the case
18 specifically, how many, where, when, and how.

19 And as such, we have developed -- we've crafted a
20 motion that we feel is one in which it is rather -- it is compromising
21 in that we had to weigh all of the issues and all of the sides of
22 the case. And we are aware of the fact that it gives -- we sincerely
23 hope that it strikes the balance in giving something to everyone
24 but not all to anyone.

25 So, therefore, that is one of the pitfalls of us being

1 Board members, that we have to make those tough decisions. I, as
2 such, am going to open the floor for motion and further discussion
3 by Board members. Thank you.

4 COMMISSIONER MITTEN: Madam Chair, I would like to
5 put forward a motion to amend condition 9. Just before I do that,
6 to elaborate on the points that you raised, which is I think that
7 because The George Washington University campus plan has been very
8 complex, I think we all benefitted. I know the Board members have
9 benefitted from the additional fact-finding that the remand process
10 has allowed the Board.

11 And I think that our long-term goals remain the same,
12 and we are -- what we are attempting to craft through a modified
13 condition 9 is a more achievable -- an easier way to achieve the
14 same goal.

15 And with that, I would move the following amendment
16 to condition 9, which is that by August 31st, 2002, the university
17 would have the following housing requirement. That they would house
18 70 percent of the undergraduate population that they indicated as
19 of February 13th, 2001, which was 7,881 students, plus -- or
20 provide -- the university will provide beds, the equivalent of which
21 will be 70 percent of 7,881 plus one bed per undergraduate -- full-time
22 undergraduate student enrolled thereafter. And those would be
23 provided in university-controlled housing, either on campus or
24 outside the Foggy Bottom/West End area.

25 As of August 31st, 2006, the housing requirement I

1 just articulated will be required to be met exclusively on campus.
2 Square -- the university-owned property in Square 122 will be
3 conditionally added to the campus, the condition being if the Zoning
4 Commission approves the PUD modification now before it.

5 There will be no cap on undergraduate enrollment.
6 And if the university is out of compliance with the provisions of
7 condition number 9, only special exceptions for residential
8 projects -- and those would be projects with greater than 50 percent
9 residential use -- would be permitted for further processing.

10 CHAIRPERSON REID: Discussion, Board members?

11 MR. GRIFFIS: I second it.

12 CHAIRPERSON REID: Comments? Please.

13 VICE CHAIRPERSON RENSHAW: Yes. I would just like
14 to direct my comment to Ms. Mitten about the August 31st date versus
15 an August 1st date. I was hoping that we could move that to August
16 1st.

17 COMMISSIONER MITTEN: I think the idea behind it is
18 just we get better information if we wait a little bit later.

19 VICE CHAIRPERSON RENSHAW: Is that --

20 COMMISSIONER MITTEN: Yes, Ms. Renshaw, that's the
21 motivation behind waiting until the end of August.

22 And if I may just add something, if I could just
23 add -- and perhaps Mr. Griffis will embrace this -- that we would
24 also like to include a reporting requirement on the part of the
25 university that they will, starting February 28th, 2002, and

1 semi-annually thereafter in August and February, they will file with
2 the Board, the Zoning Administrator, the Office of Planning, and
3 ANC-2A, the following information.

4 Number 1, the number of full-time undergraduate
5 students then enrolled.

6 Number 2, the number of beds available for full-time
7 undergraduate students on campus.

8 Number 3, the number and location of
9 university-supplied beds available to its full-time undergraduate
10 students outside the Foggy Bottom/West End area.

11 And, number 4, the number and location of
12 university-supplied beds available to its full-time undergraduate
13 students within the Foggy Bottom/West End area.

14 If Mr. Griffis would accept that amendment.

15 MR. GRIFFIS: I absolutely accept that.

16 CHAIRPERSON REID: All right. Mr. Levy?

17 BOARD MEMBER LEVY: I just wanted to ask, Ms. Mitten,
18 regarding the requirement as of August 31st, '06, all of those beds
19 would have to be provided on campus. And that's on campus as defined
20 by -- could you just clarify that for me?

21 COMMISSIONER MITTEN: That's on campus as defined by
22 the Board in the Order that we approved back in -- whenever that
23 was that -- March of 2001. And conditionally including Square 122.

24 BOARD MEMBER LEVY: The portion of Square 122 that's
25 currently before the Zoning Commission --

1 COMMISSIONER MITTEN: Correct.

2 BOARD MEMBER LEVY: -- that particular project.

3 Thanks.

4 VICE CHAIRPERSON RENSHAW: Ms. Mitten, I am looking
5 back on the material supplied by the Office of Planning and just
6 wanted to clarify that the 70 percent figure that you have stated
7 the -- housing 70 percent of the undergraduate population is in line
8 with what the Office of Planning has recommended?

9 COMMISSIONER MITTEN: I mean, there is a difference,
10 just to be perfectly clear. I mean, the percentage is what they
11 had recommended. The Office of Planning had recommended that we
12 count some additional housing that is actually within the Foggy
13 Bottom/West End area, and we are excluding that, or I am proposing
14 that we exclude that from the area that we would allow the minimums
15 to be -- the minimum housing requirements to be met.

16 I think, you know, what -- the benefit of examining
17 all of the alternatives, and after -- you know, after we've been
18 through these discussions several times, one of the things that I
19 think is attractive about this modification is it is one of the simpler
20 ways of approaching the problem, which is it doesn't require -- it
21 doesn't require tracking of segments of the student population.
22 It doesn't require a lot of recalculation from year to year.

23 It's very specific about -- about the areas that are
24 included and not included. And so I think simplicity is something
25 that recommends this. It's not going to be overly burdensome either

1 to the university or to the Zoning Administrator. It will be easy
2 to track and verify.

3 VICE CHAIRPERSON RENSHAW: Ms. Mitten, the reporting
4 requirement that you had mentioned, and Mr. Griffis seconded, how
5 are these figures going to be verified?

6 COMMISSIONER MITTEN: Well, they can't be
7 verified -- they have to be verified with the cooperation of the
8 university. I mean, ultimately, the university controls that
9 information, particularly as it relates to student enrollment.

10 VICE CHAIRPERSON RENSHAW: Okay.

11 CHAIRPERSON REID: No comment?

12 MR. GRIFFIS: Yes, a brief comment. I think Ms. Mitten
13 really underscored the deliberation that we've put in here, and that
14 word was "simplicity." In terms of trying to get something that
15 works, that is specific enough, but is not overburdensome in terms
16 of monitoring, in terms of the calculations, in terms of actually
17 figuring out the formulas that would -- need to be put into place.

18 And I would also like to state for the record, although
19 it is in the record from the last case, we were given a matrix by
20 the Office of Planning that outlined and compared and contrasted
21 all of the recommendations. And, first of all, I want to thank the
22 Office of Planning for putting this together, because I think this
23 was an incredibly useful tool in our own analysis and comparison
24 of all of the parties and all of the positions.

25 And I think what we've done is successfully boiled

1 down most of the pertinent issues into this motion, and I would urge
2 support.

3 CHAIRPERSON REID: I think that, as I said before,
4 this was not an easy task that we had before us, and there were
5 instances wherein there was a lot of give and take with this particular
6 motion. But the overwhelming objective of this Board was to attempt
7 to achieve the ultimate sustainability of the Foggy Bottom community
8 as well as the viability of George Washington University, given the
9 fact that both entities are inextricably linked.

10 And our overarching goal in the midst of all of this
11 is to make a decision that we felt would fulfill the objectives and
12 interests of the District of Columbia and would serve what we feel
13 is in the best interest of the city.

14 If there are no further comments, I will now take the
15 vote. All in favor?

16 (Ayes.)

17 Opposed?

18 (No response.)

19 Once the vote is reported, then I will -- we have a
20 little further explanation that we will have Ms. Pruitt to explain.

21 Thank you.

22 The vote, please?

23 SECRETARY PRUITT: Staff will record the vote as five
24 to zero to approve motion made by Ms. Mitten and seconded by Mr.
25 Griffith -- Griffis, sorry.

1 CHAIRPERSON REID: All right. Now, there is a timeline
2 that will be discussed by Ms. Pruitt in which there is an exceptions
3 process. Obviously, there will be an approved order that will come
4 out, and she will discuss when that will come out, and the timeline
5 for the exceptions and the final order.

6 Ms. Pruitt?

7 SECRETARY PRUITT: As it's scheduled now, the proposed
8 order would come out on October 30th, for an exceptions process,
9 then, two weeks later, which would be November 13th the Board could
10 then take up -- review the exceptions and take it up there and vote
11 again.

12 MR. BERGSTEIN: First of all, the October 30th it's
13 my understanding would be an actual special meeting where --

14 SECRETARY PRUITT: Correct.

15 MR. BERGSTEIN: -- the Board would vote on the proposed
16 order. And then, what date did you have for the special meeting
17 to actually -- if the Board went forward on the 30th, what would
18 be the date of the special meeting to actually issue the final order?

19 SECRETARY PRUITT: That could be November 13th or 20th.

20 MR. BERGSTEIN: Corporation Counsel --

21 SECRETARY PRUITT: Whatever -- I mean, I know you have
22 to work it into your schedule. So what works --

23 MR. BERGSTEIN: The 20th as the special meeting.

24 SECRETARY PRUITT: Okay.

25 CHAIRPERSON REID: Okay. Is that it?

1 MR. BERGSTEIN: Maybe -- what Mr. Prager is pointing
2 out to me is I -- what he is suggesting is that November 20th would
3 be the date that the parties would have an opportunity -- maybe you
4 should clarify it, because I don't understand what you're saying.

5 MR. PRAGER: My suggestion is that the meeting be on
6 the 30th for the reasons given. That the parties then be given two
7 weeks until the 13th to file their special exceptions, and that the
8 Board then take this up -- this matter up at its meeting, special
9 meeting on the 20th of November.

10 CHAIRPERSON REID: Okay. Is there agreement with that?

11 All right. If there are no more comments, then that will then
12 conclude our meeting for this morning. Thank you very much.

13 SECRETARY PRUITT: Elections?

14 CHAIRPERSON REID: I'm sorry. I was told not to do
15 them. I'm sorry. It's been brought to our attention we do have
16 one other matter to handle this morning, so the meeting will be
17 recessed until such time that we reconvene to finish the remainder
18 of the business for this meeting this morning. Thank you.

19 (Whereupon, at 11:22 a.m., the proceedings in the
20 foregoing matter went off the record.)

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