

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC MEETING

+ + + + +

TUESDAY

OCTOBER 30, 2001

+ + + + +

The Public Meeting convened in Room 220 South,
441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice
at 9:58 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
DAVID LEVY	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Chairperson
-----------------	-------------

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:

Steven Cochran, Office of Planning
Arthur Jackson, 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

(9:58 a.m.)

CHAIRPERSON GRIFFIS: Ladies and gentlemen, we will call to order the October 30th special public meeting. We were scheduled to start this at nine o'clock. We have had scheduling problems this morning, so we will dispense with the special public meeting this morning and move directly into our morning hearing.

MR. HART: Good morning, Mr. Chairperson, members of the Board. This morning's special public meeting, October 30th, is on Application 16553E 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 Plan, Years 2000 to 2010 under Sections 210 and 507.

The boundaries are as follows: Pennsylvania Avenue on the north; 19th, H, 20th and G Streets on the East; F Street on the south; and 23rd, G and 24th Streets on the west; and also includes a portion of Square 122 extending south of F Street along 19th Street, Northwest.

Within the campus plan boundaries, the property owned by the University is devoted to a variety of University uses, including but not limited to classrooms, dormitory, library, research, office, support, assembly, athletic, and hospital purposes.

These uses would be continued under the campus

1 plan in a variety of existing and new buildings in the R-5-D, R-
2 5-E, C-3-C and SP-2 districts.

3 The hearing dates on this case and remand were
4 Monday, September 17, 2001; Friday, September 21st, 2001. The
5 Board established the following time lines: Today, a vote on
6 the proposed remand order at this special meeting, and from
7 thereafter, the Board will tell us what they intend to do.

8 Mr. Chair, the case is now before you.

9 CHAIRPERSON GRIFFIS: Thank you very much, Mr.
10 Hart.

11 I am not going to occupy a lot of time with
12 openings here.

13 MS. MITTEN: Mr. Chairman, what we have before us
14 is a draft order that has been prepared by the Office of the
15 Corporation Counsel, and this order represents the vote that the
16 Board took as to the modification for Condition 9, and I would
17 propose that we authorize the existence of the draft order
18 allowing for additional technical and stylistic changes by
19 Corporation Counsel, and I propose the following amendments as
20 it relates to the original vote that we took on Condition 9, and
21 I would like to move three amendments.

22 The first is on page 9 for reference of the Board
23 members as it relates to the base number for the 70 percent
24 housing provision.

25 I believe when I made the motion at our last

1 meeting, I misspoke by saying that February 13th, 2001, equated
2 to the 7,881 figure for undergraduate enrollment, and we now
3 have -- so those two facts are clearly inconsistent.

4 We also have additional information from the
5 University. The 7,881 represents full-time undergraduate
6 enrollment, August 24th, 2001. We kept the record open to
7 receive information from the University that as of September
8 30th, 2001, undergraduate enrollment, full-time undergraduate
9 enrollment was 8,044.

10 What I would propose is that for the baseline, we
11 adopt the number 8,000 because the -- I think what we want to do
12 is reflect the general population without hairsplitting as to
13 dates, and I think a round number of 8,000 reflects that. And
14 then I would strike references to specific dates and incorporate
15 the number 8,000 where it now says 7,881 on page 19.

16 As it relates to the reporting, the semiannual
17 reporting that the University shall provide, I think originally
18 we had talked about University-supplied beds available for full-
19 time undergraduate students on campus. I think it would be
20 helpful to expand that to say beds occupied by full-time
21 undergraduate students and available, both occupied and
22 available, and everywhere there's a reference to available beds,
23 it would also say occupied by and available to, so that we can -
24 - I think we want to capture any difference between those
25 numbers in the reporting so we can determine whether or not the

1 conditions are being effective.

2 And then finally, on page 20, I would amend
3 Letter F, the severability clause, the second sentence. I would
4 modify it to say the following: "If any portion of this
5 condition is declared void for any reason by any court in any
6 proceeding, no application for special exception would be
7 processed until and unless the Board thereafter orders
8 otherwise."

9 CHAIRPERSON GRIFFIS: Thank you, Ms. Mitten.

10 We have a motion before us with three amendments.

11 VICE CHAIRPERSON RENSHAW: Second.

12 CHAIRPERSON GRIFFIS: Quick discussion. In terms
13 of the occupied and available you went through, it was actually
14 going to be separate categories within each of the three numeric
15 reporting elements.

16 MS. MITTEN: That's right.

17 CHAIRPERSON GRIFFIS: Okay.

18 MS. MITTEN: To be clear, it would be (d) where
19 it's referenced in Point Number 2, 3 and 4.

20 CHAIRPERSON GRIFFIS: Good.

21 Further discussion?

22 (No response.)

23 CHAIRPERSON GRIFFIS: All in favor?

24 (Chorus of ayes.)

25 CHAIRPERSON GRIFFIS: Any opposed?

1 (No response.)

2 CHAIRPERSON GRIFFIS: Thank you very much.

3 MR. HART: Staff will record the vote.

4 MR. PRAGER: Mr. Chairman, I would like to get
5 authorization from the Board to -- this is Lutz Prager from
6 Corporation Counsel's Office.

7 I would like to have the Board authorize the
8 Corporation Counsel to redraft this and to issue it, and so that
9 this, when issued, it shall represent the determination by the
10 Board as to the questions that are currently before the Board.

11 CHAIRPERSON GRIFFIS: Good. And I believe Ms.
12 Mitten had mentioned in opening granting technical and stylistic
13 changes. Is there a consensus on the Board that that's
14 appropriate and we can bestow that authority to do that? I
15 don't think we need a motion on that, if I'm correct.

16 VICE CHAIRPERSON RENSHAW: No.

17 CHAIRPERSON GRIFFIS: Anything else we need to --

18 VICE CHAIRPERSON RENSHAW: Dates.

19 CHAIRPERSON GRIFFIS: I understand that.

20 We will record the vote and then we're going to
21 go to the schedule.

22 MR. HART: Staff would record the vote as four to
23 zero. The motion made by Ms. Mitten, seconded by Ms. Renshaw,
24 with three amendments as articulated by Ms. Mitten.

25 CHAIRPERSON GRIFFIS: Thank you, Mr. Hart.

1 Let the just clear up the -- within the technical
2 and stylistic changes, we're also allowing for the issuance of
3 the order. Is that one of the other, if I'm not mistaken --

4 MR. STOB: The motion I heard, Mr. Chairman, was
5 to -- the motion was to issue the order for exceptions with the
6 amendments made.

7 CHAIRPERSON GRIFFIS: Okay. Just wanted to be
8 clear on that. Okay.

9 Going to schedule, we are on October 30th --
10 first thing, the order will be available -- there are some
11 editing things that need to take place -- will be available for
12 pick up at noon Thursday, November 1st. It will be mailed out
13 as efficiently and quickly as possible thereafter.

14 The following schedule will be November 13th,
15 which is a Tuesday, parties responses back by close of business
16 on Friday, close of business, five o'clock, and then on November
17 27th, 2001, we will again have a scheduled nine a.m. special
18 public meeting for final vote on the proposed remand order.

19 I will repeat: November 13th, responses;
20 November --

21 MR. STOB: Which is a Tuesday. I think you said
22 Friday; it's a Tuesday.

23 CHAIRPERSON GRIFFIS: I'm sorry. Yes, I did
24 misstate that.

25 November 13th, Tuesday, close of business, five

1 p.m.; November 27 --

2 VICE CHAIRPERSON RENSHAW: Twenty-seventh.

3 CHAIRPERSON GRIFFIS: Twenty-seventh, indeed, and
4 that's why we're going through this, to make changes. November
5 27th, which is a Tuesday, at nine a.m., special public meeting.

6 MR. STOB: And maybe, Mr. Chair, you can clarify
7 that the responses should be served by the parties on all the
8 other parties.

9 CHAIRPERSON GRIFFIS: An excellent plan.

10 Anything else we can clear up on this cover?

11 (No response.)

12 CHAIRPERSON GRIFFIS: This will end our special
13 public meeting of October 30.

14 (Whereupon, the special public meeting of the
15 Board of Zoning Adjustment concluded at 10:18 a.m.)

16

17

18

19

20

21

22