

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING
RE
GEORGE WASHINGTON UNIVERSITY CAMPUS PLAN
APPLICATION NO. 16553-E

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TUESDAY

DECEMBER 11, 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 10:20 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:

ANTHONY J. HOOD	Commissioner
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COMMISSION STAFF PRESENT:

Paul O. Hart, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

APPLICATION OF GEORGE WASHINGTON UNIVERSITY:

16553-E 4

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

(10:20 a.m.)

CHAIRMAN GRIFFIS: Good morning, ladies and gentlemen. I'd like to call this special public meeting of December 11, 2001 to order.

And, please, again, I will reiterate. Forgive us for the delay, and we are now ready to start, and then we will go into our public hearing after this first special public meeting.

And I will turn it over to staff to direct us to see what we're doing here. No, I think we know what we are doing.

MR. HART: Good morning, Mr. Chairperson. It is still morning.

This meeting is on the George Washington -- thank you -- University campus plan remand order and supersedes the canceled November 27, 2001 meeting originally scheduled on this issue. This is Application No. 16553-E of the George Washington University, pursuant to 11 DCMR, Section 3104.1, 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,

1 and also includes a portion of Square 122 extending south of F
2 Street along 19th Street, N.W.

3 Within the campus plan boundaries, the property
4 owned by the university is devoted to variety of university
5 uses, including, but not limited to, classroom, dormitory,
6 library, research, office, support, assembly, athletic, and
7 hospital purposes. These uses would be continued under the
8 campus plan in a variety of existing and new buildings in the R-
9 5D, R-T-E, and SP-2 districts.

10 The case is before the Board for your decision.

11 CHAIRMAN GRIFFIS: Thank you, Mr. Hart.

12 And we are going to try and be brief to make up a
13 little bit of time, but I need to at least introduce ourselves.

14 My name is Geoff Griffis, and I am the Chair.

15 With me today is Ms. Anne Renshaw, who is the
16 Vice Chair, and Mr. Levy, representing the National Capital
17 Planning Commission.

18 As the hour had moved well on, Ms. Mitten was
19 called to another engagement, and so we will proceed without
20 her, but I do believe we have a proxy if all things come into
21 order.

22 So with that, let me just first start off and say
23 that this was sent out, and we did receive quite a few
24 exceptions by all of the parties. It was helpful, detailed, and
25 very substantive, and it went to, I can say decidedly in my

1 case, to help clarify and focus on a lot of the issues that were
2 before us, and I think all the other Board members feel
3 similarly.

4 This did allow us to give good guidance to
5 Corporation Counsel, which then produced a draft for us to
6 further review and to again help us solidify our discussions and
7 deliberations on this.

8 What we have today, Board members, before us then
9 is to deal with any changes in the conditions that we would
10 propose at this point, and what I would like to do, because I do
11 believe that we will have perhaps one, perhaps two, maybe more,
12 but I'd like to go through each of those as a separate motion
13 and deal with them, and then we will progress from there when we
14 get to that point.

15 Unless there's anything else anyone would like to
16 add at this point, I think we could jump right in as we are
17 getting on to 10:30.

18 So I would move first in Condition 2 to be
19 amended to read -- and I will say this and then clarify -- to
20 read 193 beds, which would be a difference -- that would be the
21 motion, 193 beds. The clarification is that at one point it was
22 reading 200. There was a proposed modification to the PUD, and
23 this will reflect that.

24 And I would take comments or discussions on that
25 at this time.

1 COMMISSIONER LEVY: Well, I would second the
2 motion, Mr. Chairman.

3 CHAIRMAN GRIFFIS: Thank you.

4 VICE CHAIRPERSON RENSHAW: I have no disagreement
5 with that, Mr. Chairman, and I would move that we vote on this
6 modification.

7 CHAIRMAN GRIFFIS: Thank you.

8 Then all those in favor?

9 (Chorus of ayes.)

10 VICE CHAIRPERSON RENSHAW: And do we have a proxy
11 from Ms. Mitten on this?

12 MR. HART: Staff would record the vote as --

13 CHAIRMAN GRIFFIS: Actually, Mr. Hart, if you
14 wouldn't mind looking if Ms. Mitten left a proxy.

15 MR. HART: Yes, I have it here for the meeting.

16 CHAIRMAN GRIFFIS: Oh, very good. We might want
17 to announce that and then record the vote or whichever you
18 prefer. Okay, good.

19 MR. HART: Staff would record the vote as four to
20 zero, Mr. Griffis making the motion, Mr. Levy seconded, with Ms.
21 Renshaw and Ms. Mitten leaving her proxy in favor.

22 CHAIRMAN GRIFFIS: Thank you very much.

23 I would move down to Condition 9 and look to
24 9(c), which begins "no later than August 31, 2006." I think for
25 purposes of my motion, I would move to amend 9(c) to read as

1 follows: "no later than August 31, 2006, the housing
2 requirements in Subparagraph (a) and (b) of this condition shall
3 be met exclusively by on-campus housing."

4 There is no change in that sentence. The change
5 comes: "the Zoning Commission may extend this deadline after
6 notice and public hearing, but only (1) to the extent of time
7 lost as a result of unusual delays by government agencies in
8 processing applications for special exceptions for residential
9 projects;

10 "(2) For the duration of the third party appeals
11 to the District of Columbia Court of Appeals Board, to another
12 judicial forum from the grant of special exception for a purely
13 residential project;

14 "(3) Time lost as a consequence of" -- and
15 here's where it gets difficult to read my own writing --
16 "consequence of construction delay resulting from acts of God,
17 contractor delay, or acts of third parties.

18 "No extension may be granted for delays fairly
19 attributable to university actions or omissions, or for the
20 delays resulting from the processing of planned unit
21 developments (PUDs), applications before the Zoning Commission,
22 or from judicial challenges to PUD approvals.

23 VICE CHAIRPERSON RENSHAW: Are you moving that?
24 And then we can go into discussion.

25 CHAIRMAN GRIFFIS: Absolutely. I would take a

1 second on that and we can have discussion.

2 VICE CHAIRPERSON RENSHAW: All right. I'll
3 second it --

4 CHAIRMAN GRIFFIS: Thank you.

5 VICE CHAIRPERSON RENSHAW: -- for the purpose of
6 discussion.

7 I believe in your recitation that you spoke of --
8 and I'm looking three lines up -- a grant of a special exception
9 for a purely residential project. I believe you stated that,
10 and I would recommend that we remove the word "purely."

11 CHAIRMAN GRIFFIS: Oh, I'm sorry if I read that.
12 I did mean to have that come out, and I would certainly accept
13 that motion.

14 VICE CHAIRPERSON RENSHAW: Would you accept that?
15 Thank you.

16 CHAIRMAN GRIFFIS: Any other comments?

17 COMMISSIONER LEVY: No, I concur with that
18 comment.

19 CHAIRMAN GRIFFIS: Very good. Then all those in
20 favor?

21 (Chorus of ayes.)

22 CHAIRMAN GRIFFIS: Any opposed?

23 (No response.)

24 VICE CHAIRPERSON RENSHAW: And the proxy?

25 MR. HART: Staff would record the vote as four to

1 zero, Mr. Griffis making the motion, Ms. Renshaw seconded, with
2 Mr. Levy and a proxy vote in agreement by Ms. Mitten, from Ms.
3 Mitten.

4 CHAIRMAN GRIFFIS: Thank you, Mr. Hart.

5 I would move our attention to 9(d), and I'll just
6 be brief for this, and it will be apparent when published.

7 "Beginning February 28, 2002 and semiannually
8 thereafter in August and February, the university shall file
9 with the Zoning Commission," which would be the change, "Zoning
10 Administration in the Office of Planning, ANC-2A, and" -- I
11 would highlight this as a change -- "members of the Advisory
12 Committee established in accordance with Condition 3."

13 VICE CHAIRPERSON RENSHAW: And that's the only
14 change, Mr. Chairman, that you are highlighting at this point?

15 CHAIRMAN GRIFFIS: Indeed.

16 VICE CHAIRPERSON RENSHAW: All right. So you've
17 moved that?

18 CHAIRMAN GRIFFIS: I did, indeed. Look for a
19 second.

20 VICE CHAIRPERSON RENSHAW: Second.

21 CHAIRMAN GRIFFIS: Thank you. Any changes,
22 accommodation, discussion?

23 (No response.)

24 CHAIRMAN GRIFFIS: Very well. All in favor.

25 (Chorus of ayes.)

1 MR. HART: Staff would record the vote as four to
2 zero, Mr. Griffis making the motion, Ms. Renshaw seconding, Mr.
3 Levy and Ms. Mitten by proxy to approve.

4 CHAIRMAN GRIFFIS: Thank you, Mr. Hart.

5 I would move on to Condition 17, and bear with me
6 again while I decipher some of my notes here, but Condition 17,
7 I'm going to read the whole thing as I would propose it amended
8 to read, and I would move the adoption as amended.

9 "Starting in the fall of 2001 registration
10 process, the university shall gather information about local
11 addresses of the full-time undergraduate population. The
12 university shall update the information semiannually beginning
13 February 28, 2002, and semiannually thereafter in August and
14 February.

15 "The university shall provide the Zoning
16 Commission, the Zoning Administrator, ANC-2A, Office of
17 Planning, the Advisory Committee with an audited census of the
18 number of full-time undergraduate students residing in (1) Foggy
19 Bottom West End outside the campus plan boundaries; (2) the
20 District of Columbia outside the campus plan boundaries and
21 Foggy Bottom West End; (3) Maryland; (4) Virginia."

22 Okay.

23 VICE CHAIRPERSON RENSHAW: Mr. Chairman.

24 CHAIRMAN GRIFFIS: Yes.

25 VICE CHAIRPERSON RENSHAW: Do we need a second on

1 this?

2 CHAIRMAN GRIFFIS: Actually I'm not finished.

3 VICE CHAIRPERSON RENSHAW: Oh, all right. I
4 didn't think so.

5 CHAIRMAN GRIFFIS: Actually let me -- that would
6 be my motion at that point, and I would leave it open, frankly,
7 for your comments.

8 VICE CHAIRPERSON RENSHAW: Yes, I would like to
9 recommend an addition or amendment to your modification, and
10 that has to do with the District of Columbia outside the campus
11 plan boundaries in Foggy Bottom West End. We're talking about
12 an audited census of the number of full-time undergraduate
13 students residing in, and then I'm dropping down to number two,
14 the District of Columbia outside the campus plan boundaries and
15 Foggy Bottom West End, with data organized by postal zip code.

16 CHAIRMAN GRIFFIS: I see. So the organization
17 of the reporting would be based on zip code.

18 VICE CHAIRPERSON RENSHAW: For that number two.

19 CHAIRMAN GRIFFIS: I think that's an excellent
20 idea, and then -- yes, Mr. Levy.

21 COMMISSIONER LEVY: Mr. Chairman, if you'd allow
22 me, I'd like to add --

23 CHAIRMAN GRIFFIS: Yes.

24 COMMISSIONER LEVY: -- a requirement that the
25 semiannual report include a good faith estimate of the number of

1 married students and students with children that are encompassed
2 in each of those categories, one through four.

3 CHAIRMAN GRIFFIS: Okay. So one through four as
4 listed with the organization also added to the motion that would
5 have that breakdown. I think that is great.

6 COMMISSIONER LEVY: And then lastly, that the
7 semiannual --

8 CHAIRMAN GRIFFIS: Report?

9 COMMISSIONER LEVY: -- the latest semiannual
10 report be included with each application for special exception
11 filed pursuant to the approved 2001 campus plan.

12 CHAIRMAN GRIFFIS: Okay. I would accept that
13 into the motion.

14 For clarification, members, would you like for me
15 to reread it?

16 COMMISSIONER LEVY: I think it would be helpful.

17 VICE CHAIRPERSON RENSHAW: Right.

18 CHAIRMAN GRIFFIS: I knew you'd ask me to do
19 that. Okay. Let me give it a shot.

20 "Starting in the fall of 2001 registration
21 process, the university shall gather information about local
22 addresses of the full-time undergraduate population. The
23 university shall update the information semiannually beginning
24 February 28, 2002, and semiannually thereafter in August and
25 February.

1 "The university shall provide the Zoning
2 Commission, the Zoning Administrator, ANC-2A, Office of
3 Planning, and the Advisory Committee with an audited census of
4 the number of full-time undergraduate students residing in" --
5 and we have four categories -- "(1) Foggy Bottom West End
6 outside the campus plan boundaries; (2) the District of Columbia
7 outside the campus plan boundaries and the Foggy Bottom West
8 End; (3) Maryland" --

9 VICE CHAIRPERSON RENSHAW: With data organized by
10 postal zip codes.

11 CHAIRMAN GRIFFIS: Thank you very much. I didn't
12 mark that correctly in there. Right.

13 -- "organized by postal zip code."

14 Maryland is three. Four is Virginia, "and the
15 semiannual report shall also include a good faith estimate of
16 the number of married students and students with children
17 encompassed in each category," and those are categories one
18 through four, and therefore, the latest semiannual report shall
19 be included with each application for a special exception filed
20 pursuant to the approval of the 2001 campus plan."

21 COMMISSIONER LEVY: I'll second.

22 CHAIRMAN GRIFFIS: Very well. Thank you.

23 Any other discussion?

24 (No response.)

25 CHAIRMAN GRIFFIS: Okay. Then all those in

1 favor.

2 (Chorus of ayes.)

3 MR. HART: Staff would record the vote as four to
4 zero, Mr. Griffis making the motion, Mr. Levy seconded, Ms.
5 Renshaw, and Ms. Mitten by proxy, Ms. Mitten, proxy.

6 CHAIRMAN GRIFFIS: Good. Thank you, Mr. Hart.

7 I would open it up, Board members, for any other
8 comments or discussion at this point or any other changes to any
9 other conditions. And don't feel that we have to fill the time,
10 but you're more than welcome to take it if needed.

11 VICE CHAIRPERSON RENSHAW: Well, Mr. Chairman, I
12 would just like to say that I appreciated all of the information
13 that the various parties supplied the Board. I think the
14 information was enormously helpful to the Board members in
15 deliberating on these modifications to the campus plan.

16 And this has been a very tough case for all of
17 us, but anything that we had to help us understand the
18 conditions down in Foggy Bottom West End vis-a-vis this
19 application was, again, to our advantage to have with us.

20 CHAIRMAN GRIFFIS: Good. Thank you, Ms. Renshaw.

21 Yeah, I think we were going to take some time
22 because I thought it was important, or I was going to, and kind
23 of go over some of the big issues that came in, one in the
24 overall case, but also in the exceptions that were brought
25 through.

1 I don't want to do that at this point, but just
2 to say that we did look at quite a bit from campus boundaries
3 and certain parcels used and not used, certain residential
4 buildings used and not used and how that factored in; looked at,
5 indeed, the number that is going into our calculations, which
6 was the 8,000, and also looking at the date of start and such.

7 Being that we have lost quite a bit of time this
8 morning, I don't want, unless other Board members feel the
9 importance of it, to go through further --

10 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I just
11 wanted to read two sentences into the record that are included
12 in the proposed order, and that is on page 9.

13 "The Board, therefore, prefers that the
14 university make more intensive use of its residentially zoned
15 campus. The Board is also conscious that its order should not
16 be instruments for exporting university housing to other
17 neighborhoods in order to protect Foggy Bottom West End,"
18 although we recognize or I recognize that the protection of
19 Foggy Bottom West End is extremely important to the preservation
20 of that neighborhood.

21 So in any case, I just wanted to read those two
22 sentences into the record.

23 CHAIRMAN GRIFFIS: Very well. Thank you, Ms.
24 Renshaw.

25 Anything further?

1 (No response.)

2 CHAIRMAN GRIFFIS: Not hearing anything, I would
3 then move that we issue this order as amended this morning by
4 the past motions.

5 VICE CHAIRPERSON RENSHAW: Second.

6 CHAIRMAN GRIFFIS: Thank you.

7 And any further discussions or comments at this
8 time?

9 (No response.)

10 CHAIRMAN GRIFFIS: I would then ask all those in
11 favor.

12 (Chorus of ayes.)

13 CHAIRMAN GRIFFIS: Any opposed?

14 (No response.)

15 MR. HART: Staff would record the vote to issue
16 the order as amended as four to zero, Mr. Griffis making the
17 motion, Ms. Renshaw seconding, Mr. Levy and Ms. Mitten's proxy
18 would carry as a fourth vote.

19 CHAIRMAN GRIFFIS: Thank you very much, Mr. Hart.

20 And the final piece of this, I would request that
21 Corporation Counsel issue a final draft to the Office of Zoning,
22 and I believe, but I will ask if that is reasonably done by the
23 21st of December.

24 MR. BERGSTEIN: I believe that that can be
25 accomplished. Thank you.

1 CHAIRMAN GRIFFIS: Great. Thank you very much.

2 Then is there any other business that we need to
3 attend to at this time?

4 (No response.)

5 CHAIRMAN GRIFFIS: I would give Corporation
6 Counsel a moment if they wanted to say anything at this time or
7 tell a joke, whatever you have.

8 MR. BERGSTEIN: We have nothing to add to this
9 proceeding.

10 CHAIRMAN GRIFFIS: Thanks.

11 Okay. In which case, I think that may conclude
12 the special meeting of December 11, 2001. Thank you all very
13 much.

14 (Whereupon, at 10:45 a.m., the special public
15 meeting was concluded.)

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