

ORDER LATE  
SEPT 9, 1993

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14455 of George Washington University, pursuant to Subsection 8207.2 of the Zoning Regulations, for special exceptions under Paragraphs 3101.46 and 4101.43 for review and approval of a revised campus plan in R-5-C, R-5-D, SP-2 and C-3-C Districts; in the area bounded by Pennsylvania Avenue on the north; 19th Street on the east, F Street and Virginia Avenue on the south and 24th Street on the west and including a portion of Square 122 extending south of F Street along 19th Street, N.W., (Square 39, Lot 803; Square 40, Lot 36; Square 41, Lot 40; Square 42, lots 43, 44, 844 and 847; Square 43, lots 24, 801, 805, 821, 833, 840, 848, and 854; Square 54, Lot 30; Square 55, lots 27, 851, 853 and 854; Square 56, lots 30 and 31; Square 57, lots 55 and 56; Square 75, lots 41, 46, 858, 861, 863 and 864; Square 77, Lots 5, 46, 47, 49, 50, 57, 58, and 59; Square 79, Lots 39, 40, 63, 64, 65, 808, 850, 853, 854, 856, 857, 858, 859, and 860; Square 80, Lots 2, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 822, 824 and 825; Square 101, Lots 58, 59, 60, 865, 866, 867, 868, 870, 872, 873, and 875; Square 102, Lot 46; Square 103, Lots 1, 13, 24, 25, 27, 28, 30, 31, 812, 813, 814, 816, 817, and 818; Square 119 Lot 26; Square 121, Lot 819 and; Square 122, Lots 824 and 825).

HEARING DATES: September 10 and October 22, 1986  
DECISION DATES: November 5 and November 25, 1986; February 4, April 1, and April 29, 1987; May 4, 1988, and; June 7, 1989

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 5-0 (Lindsay Williams, Carrie L. Thornhill, Charles R. Norris, Paula L. Jewell and William F. McIntosh to grant).

FINAL DATE OF ORDER: February 25, 1988

ORDER DENYING MOTION FOR RECONSIDERATION

The Board granted the application by its order dated February 25, 1988, as modified by BZA order dated June 28, 1988. Parties in opposition to the application filed an appeal of the Board's decision with the District of Columbia Court of Appeals. In the court case, Levy v. District of Columbia Board of Zoning Adjustment ("Levy") 570 A.2d 739 (1990), the Appeals Court reversed the Board's decision and remanded the case for two reasons:

- a. So that the Board may enter findings and conclusions after evaluation of the effect of the entire campus plan - including the street closing, pedestrian bridge, and height restriction relief proposals on traffic, noise and other conditions specified in the regulations; and
- b. For an adequate explanation of the BZA's reasons for deleting the lease space condition which specifically addresses ANC 2A's argument that the condition was reasonable and not ultra vires.

In an Order on Remand dated April 13, 1993, the Board addressed these issues as directed by the court of appeals.

On April 23, 1993, James T. Draude, a party in opposition to the application, filed a timely motion for reconsideration and a request to reopen the record.

In his motion to the Board, the movant stated that in two recent BZA applications filed by George Washington University (GWU) - Nos. 15793 and 15808 - Advisory Neighborhood Commission 2A and various other parties raised numerous issues, including whether GWU is in compliance with the campus plan as approved by the Board and whether GWU is creating objectionable conditions in the Foggy Bottom/West End neighborhood. The movant further stated that the Board declined to hear those issues in those cases on the grounds that they should be addressed in the campus plan case (No. 14455) or in some other proceeding. Therefore, the movant requested that the Board reopen the record in this case to hear additional evidence from all interested parties and governmental agencies and to consider whether the campus plan should be further amended in light of such additional evidence.

The movant submitted with his request, various documents from persons or entities expressing an interest in the subject application.

The Board's rules require that a motion for reconsideration "state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion and the relief sought." 11 DCMR 3332.4 The relevant Board decision for purposes of this motion would be the Order on Remand dated April 13, 1993. The Board finds that the motion for reconsideration fails to state how the Board erred in its decision of April 13, 1993. The motion also fails to state the grounds for any error by the Board. Therefore, the Board concludes that the requirements of Subsection 3332.4 have not been met.

Accordingly, it is hereby **ORDERED** that the motion for reconsideration and the request to reopen the record are **DENIED**.

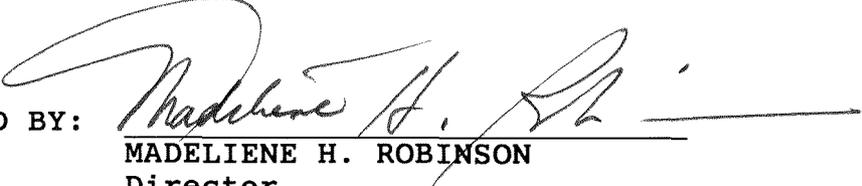
BZA APPLICATION NO. 14455  
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VOTE: 3-0 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell to deny; Carrie L. Thornhill not present, not voting). Angel F. Clarens and Sheri M. Pruitt read the complete record prior to voting on this case.

DECISION DATE: June 2, 1993

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

SEP 9 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14455Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 14455

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 9 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Norman M. Glasgow, Esquire  
Wilkes, Artis, Hedrick & Lane  
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Washington, D.C. 20006

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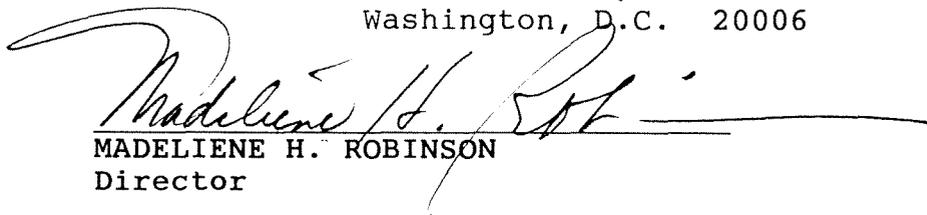
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Sue B. Schumacher  
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Msgr. Paul A. Lenz  
Bureau of Catholic Indian  
Missions  
2021 H Street, N.W.  
Washington, D.C. 20006

  
MADELIENE H. ROBINSON  
Director

DATE:

SEP 9 1993

14455Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Petition** from **Advisory Neighborhood Commission 2A** requesting that the Board of Zoning Adjustment establish a schedule for consideration of a new campus plan for the **George Washington University**.

**DECISION DATES:**           **September 2, October 7 and November 4, 1998**

**ORDER UPON PETITION**

Advisory Neighborhood Commission ("ANC") 2A filed a petition with the Board of Zoning Adjustment on August 2, 1998 requesting that the Board establish a schedule for hearing the new campus plan application for the George Washington University ("GWU" or "the University"). A revised petition was filed on August 6, 1998 correcting certain errors in the August 2nd petition. The issues raised and the Board's resolution of these issues will be addressed below.

***I.     The Expiration Date of the Campus Plan***

George Washington University is currently operating under a campus plan approved by the Board of Zoning Adjustment in Order No. 14455 dated February 25, 1988. Condition No. 1 of that order states:

1. Approval of the Campus Plan shall be for a time period extending to the year 2000 or until such time prior to the year 2000 as the Board or its successor with jurisdiction over campus plans determines conditions warrant submission of an updated plan.

In arguing that the Board should establish a schedule for considering the new campus plan, ANC 2A stated on page one in paragraph three of its petition:

The current campus plan adopted for George Washington University, by its terms, will expire December 31, 1999. As of that date, it is clear that the Board will be without authority to grant special exceptions for any proposed campus buildings, as there will be no existing plan pursuant to which density can be measured.

George Washington University, through its counsel, filed a response to the petition on August 21, 1998. In addressing the term of the plan, GWU stated that the current GWU Campus Plan expires on December 31, **2000**. The University pointed out that the Campus Plan document

ORDER DATED  
APR 13 9 43

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14455 of George Washington University, pursuant to Subsection 8207.2 of the Zoning Regulations (11 DCMR 3108.1), for special exceptions under Paragraphs 3101.46 and 4101.43 (11 DCMR 210 and 507) for review and approval of a revised campus plan in R-5-C, R-5-D, SP-2 and C-3-C Districts; in the area bounded by Pennsylvania Avenue on the north; 19th Street on the east, F Street and Virginia Avenue on the south and 24th Street on the west and including a portion of Square 122 extending south of F Street along 19th Street, N.W., (Square 39, Lot 803; Square 40, Lot 36; Square 41, Lot 40; Square 42, Lots 43, 44, 844 and 847; Square 43, Lots 24, 801, 805, 821, 833, 840, 848, and 854; Square 54, Lot 30; Square 55, Lots 27, 851, 853 and 854; Square 56, Lots 30 and 31; Square 57, Lots 55 and 56; Square 75, Lots 41, 46, 858, 861, 863 and 864; Square 77, Lots 5, 46, 47, 49, 50, 57, 58, and 59; Square 79, Lots 39, 40, 63, 64, 65, 808, 850, 853, 854, 856, 857, 858, 859, and 860; Square 80, Lots 2, 45, 46, 47, 50, 51, 52, 54, 55, 800, 811, 820, 822, 824 and 825; Square 101, Lots 58, 59, 60, 865, 866, 867, 868, 870, 872, 873, and 875; Square 102, Lot 46; Square 103, Lots 1, 13, 24, 25, 27, 28, 30, 31, 812, 813, 814, 816, 817, and 818; Square 119, Lot 26; Square 121, Lot 819, and; Square 122, Lots 824 and 825).

HEARING DATES: September 10 and October 22, 1986  
DECISION DATES: November 5 and November 25, 1986; February 4, April 1, and April 29, 1987; May 4, 1988, and; June 7, 1989

ORDER ON REMAND

FINDINGS OF FACT:

1. This matter is before the Board on remand from the District of Columbia Court of Appeals for the following purposes:
  - a. So that the Board may enter findings and conclusions after evaluation of the effect of the entire campus plan -- including the street closing, pedestrian bridge, and height restriction relief proposals -- on traffic, noise and other conditions specified in the regulations; and
  - b. For an adequate explanation of the BZA's reasons for deleting the lease space condition which specifically addresses ANC 2A's argument that the condition was reasonable and not ultra vires.

Street Closings, Pedestrian Bridges and Height Restrictions

2. The applicant, George Washington University (The University), moved the Board to amend its application by deleting from the campus plan proposals relating to street closings, pedestrian bridges and height restriction relief.

3. In its order dated February 25, 1988, the Board made findings with respect to noise and number of students in Findings 52 and 54. With respect to traffic and parking, the Board made the following relevant findings: Finding 53, Finding 58 and Finding 59 (o). In addition, the Board imposed Conditions 12, 13 and 16 with respect to traffic and parking.

4. In response to the University's motion to amend the application, parties who responded were all in favor of deleting references to street closings, pedestrian bridges and height restrictions.

Lease Space Condition

5. In its February 25, 1988 order, the Board provided in Condition 15 that all off-campus short-term office and administrative interim leased space shall be located in commercial zones.

6. After the issuance of its February 25, 1988 order, George Washington University filed a Motion for Reconsideration in which, inter alia, urged that it was allowed by the Zoning Regulations (11 DCMR 210.5) to have interim university uses and that Condition 15 should be modified accordingly.

7. ANC 2A opposed the motion on the grounds that it is perfectly reasonable for the Board, as a condition for approving substantial expansion within the campus, to require George Washington University to refrain from placing office and administrative uses in the non-commercial districts outside the campus even if such uses might otherwise be permitted under the zoning regulations.

8. In response to the motion, the Board deleted Condition 15.

9. The Board is aware that it may impose reasonable conditions upon the grant of a special exception to insure that the special exception granted will be in harmony with the zoning regulations.

10. In approving the campus plan, the Board determined that it would not create objectionable conditions to neighboring property. The Board's approval was subject to various stated

conditions. Except for Condition 15, these conditions serve to insure that the campus plan will be in harmony with the zoning regulations.

11. Interim uses can only be permitted under 11 DCMR 210.5 if they do not create objectionable conditions to neighboring property. The prohibition of such uses does not serve to insure that the campus plan itself will not create objectionable conditions and therefore bears no reasonable relationship as to whether the plan is in harmony with the zoning regulations.

12. The Zoning Commission has determined that university interim uses are appropriate in residential zones provided they are found not to create objectionable conditions to neighboring property.

13. The Board must decide requests for special exceptions in accordance with the provisions of the zoning regulations.

14. Condition 15 would have precluded the University from applying for special exceptions as authorized by the Zoning Commission and would be in contravention of the regulatory policies adopted by the Commission.

#### Other Issues

15. Matters raised by the responses of Advisory Neighborhood Commission 2A, William S. Diedrich and Athena Mueller on behalf of Mr. and Mrs. General Townsend Heard go beyond the scope of the remand.

#### CONCLUSIONS OF LAW:

The Board's Findings 52, 53, 54, 58 and 59(o) addressed the impacts of noise, number of students, traffic and parking with regard to the campus plan in its entirety except for the proposals relating to street closings, pedestrian bridges and height restriction relief which under this order will be deleted from the campus plan. Accordingly, there is no need for the Board to reevaluate these matters under the remand. The Board notes that each of these matters, including traffic and parking, will be considered by the Board in connection with each special exception application for construction pursuant to the plan.

A prohibition against the University's applying for special exceptions for interim uses as provided in Condition 15 is not a reasonable condition since it does not bear a reasonable relationship to insuring that the campus plan itself will be in harmony with the zoning regulations.



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PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14455-Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 14455

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on \_\_\_\_\_ a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Norman M. Glasgow, Esquire  
Wilkes, Artis, Hedrick & Lane  
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2141 I Street, N.W.  
Washington, D.C. 20037

  
MADELIENE H. ROBINSON  
Director

DATE: \_\_\_\_\_

14455Att/bhs

itself is entitled "The Campus Plan for the Year 1985 Through the Year 2000". The University stated that the Board confirmed the expiration date of the current campus plan when in its discussion at a recent hearing of Application No. 16309 involving the University's surface parking lots, the Board indicated that the parking lot approval would expire with the campus plan on December 31, 2000. The University referenced the transcript of the March 4, 1998 hearing.

At the September 2, 1998 Public Meeting, the Board deferred a decision on the expiration date of the campus plan until its Public Meeting of October 7, 1998. At the October 7, 1998 Public Meeting, the Board again deferred a decision on the expiration date of campus plan and directed the BZA staff to seek an opinion from the Office of the Corporation Counsel (OCC) on this and other issues raised in the petition. As directed by the Board, staff made the request.

On November 2, 1998, the Board received a memorandum from the OCC. On the issue of the duration of the plan, the OCC was of the view that the ANC's interpretation of the Board's language "to the year 2000" is correct, that the term "to" means "before", but that the Webster's Dictionary alternatively defines it to mean "til". The OCC stated that

"usually when an adjudicatory body, such as the BZA, permits a party to do something until a particular date, it means that the party has to the end of that day to accomplish the task. Likewise, it would be reasonable to interpret the Board's intent as extending the Plan to the end of the year 2000."

The OCC stated "Second, and perhaps most important, in interpreting its past actions, the BZA should assume that it acted in a manner that is consistent with the standards of administrative decision making." The OCC pointed out that in Finding No. 14 of the Board's February 1988 order, the Board found that the "The Proposed Campus Plan covers the time period 1985 through the year 2000." According to OCC:

That same finding noted that the University selected this time frame to accommodate its 5 to 7 year development cycle. Later, in the section of the Order entitled "Board's Findings and Actions Based on the Record", the Board, in Finding 59(r), relied upon this development cycle as one of the reasons for rejecting the ANC's recommendation of a five year time frame for the Plan. These two findings, when taken together, would support the BZA's approval of a campus plan that ran through the period requested by the applicant, but do not explain why less than the period requested should be granted. If the Board were to interpret the Order as denying the full period of time requested, it should identify the specific finding or findings which support that conclusion in order to demonstrate compliance with the decision-making process required by the District of Columbia Administrative Procedures Act and the Court of Appeals decisions which have interpreted it.

Upon consideration of the ANC's views, the University's position and the opinion of the Office of the Corporation Counsel, the Board interpreted its February 1988 Order as having established that the current Campus Plan will expire on **December 31, 2000**.

## ***II. Further Processing under the Current Campus Plan***

In its petition, ANC 2A requested that the Board not schedule hearings on any applications submitted by the University until a new campus plan is approved. In the petition, the ANC assumed that the Campus Plan would expire on December 31, 1999, and argued that the Board should not hear any new special exception applications under the current Campus Plan. The ANC argued that since the grant of each special exception approving existing buildings implicitly incorporates the Campus Plan existing at the time the exception was granted, it may be concluded that the special exceptions for existing buildings are also time limited. It is the ANC's position that the Board's authority to grant special exceptions for the University will expire on December 31, 1999. The ANC stated that unless a new campus plan has been approved as of January 1, 2000, there will be a question as to whether any building built on the George Washington campus pursuant to the expired Campus Plan may be lawfully occupied.

The ANC raised the "no further hearing" issue about specific University cases filed with the Board. With regard to the hospital, the ANC maintained that the University has raised doubt as to the appropriateness of the operation of the existing and planned hospital facilities. The ANC referenced the University's relationship with District Hospital Partners, L.P., a subsidiary of Universal Health Services, Inc., the third largest hospital management company in the United States. The ANC argued that the hospital is no longer a tax-exempt organization, that the institution is a profit making organization not under the control of GWU.

Responding to this argument the University stated that the attack on the existing and planned hospital facilities has no basis in the Zoning Regulations. The ownership and for-profit status of the hospital simply are not relevant for zoning purposes. The central issue would be the use of the hospital, not its corporate structure or ownership.

The Board did not address this issue of control of the hospital until it heard the application for the new hospital (BZA Application No. 16389) on November 18, 1998 and January 5, 1999.

The ANC also submitted a letter dated October 16, 1998, stating that it passed a resolution strongly opposing further processing of special exception applications submitted by GWU, including the School of Media and Public Affairs application, until the Corporation Counsel's Office responds to the Board's request for advice. The ANC also submitted the resolution to the Board dated October 15, 1998. In the resolution, the ANC requested that the Board postpone consideration of the special exception application for the Media Center, while awaiting advice from the OCC.

Explaining its position on this issue raised in the petition, the letter and the resolution, the ANC argued that the Board should not grant further special exception approvals because

construction of any building for which the Board has not yet issued an order can not be completed prior to the expiration of the existing Campus Plan. The ANC argued that approval under the *current plan* of any special exception which may be inconsistent with the *upcoming plan*, may create irreparable harm to the surrounding neighborhood.

In response, the University stated that under Section 3104.1, an applicant has two years following issuance of a BZA Order to file a building permit application. Under Section 3203.6, "All applications for building permits authorized by orders of the Board of Zoning Adjustment may be processed in accordance with the Zoning Regulations in effect on the date those orders are promulgated." According to the University, the suggestion that vesting occurs only once construction has been completed is erroneous. The University stated that under the ANC's theory, the completion and occupancy of a building that is being constructed pursuant to a validly issued BZA Order and building permit could be jeopardized if the Zoning Regulations are changed prior to its completion. The Zoning Regulations are designed to provide a level of certainty to property owners before construction begins.

In the memorandum prepared by the Office of the Corporation Counsel, counsel cited Citizens Association of Georgetown v. BZA, 403 A.2d 737 (D.C. 1978) for the proposition that an approved campus plan is a "condition precedent" to GWU's ability to have special exception requests considered. It follows that so long as this condition is satisfied, the BZA is obliged to consider applications which are before it. The OCC emphasized the Board's first condition to its approval of the 1985 Campus Plan which provided that the approval would remain in effect "to the year 2000 or until such time prior to the year 2000 as the Board ...determines conditions warrant submission of an updated plan." (emphasis supplied by OCC). The OCC interpreted the underlined language as applicable if the Board, at some point prior to January 1, 2000, determines that there is an immediate need to replace the existing plan. Therefore, special exception applications by GWU may continue to be considered "to the year 2000" (however the Board interprets that phrase), unless the Board, prior to January 1, 2000, determines that a new plan should be submitted and take effect before the present plan expires.

At the public meetings of September 2 and October 7, 1998, the Board deferred a decision on the "further processing" issue until the Public Meeting of November 4, 1998.

Upon consideration of the arguments on this issue, at the Public Meeting of November 4, 1998, the Board denied the ANC's request that the Board not consider any further special exception applications filed under the current Campus Plan.

### ***III. Establishing a Due Date for the Submission of a New Campus Plan and Scheduling Hearings***

The ANC petitioned the Board to order a schedule for the submission and consideration of a new campus plan for the University, to be effective January 1, 2000. In the ANC's view this would avoid the legal uncertainties which will necessarily ensue if a new campus plan is not effective upon the expiration of the existing plan. ANC 2A proposed the following schedule:

- a. have the proposed plan submitted no later than February 1, 1999;
- b. receive comments on the proposed plan for 120 days;
- c. schedule hearings during the month of July 1999 as follows:
  - i. one full day for presentation of plan by GWU;
  - ii. two half days for presentation of government and general public witnesses;
  - iii. two half days for presentation by witnesses of ANC;
  - iv. one half day for summation and closing arguments by GWU.

At the Public Meeting of September 2, 1998, the Board asked the University to prepare a report on the status of the updated Campus Plan so that it could address the issue of establishing a deadline for submission. The Board deferred its decision on the "scheduling of hearings" issue until its Public Meeting of October 7, 1998.

On September 30, 1998, GWU responded to the Board's request for a status report on the updated Campus Plan. The University made the following major points:

- A schedule for processing of the Campus Plan is appropriate.
- The University needs adequate time to develop a campus plan with the benefit of community involvement prior to submission.
- The University began the campus plan process in November 1997 when it assembled its own internal Campus Plan Working Group. The "Working Group" was charged with preparing and producing the campus plan.
- The University has retained various professionals to assist with the process. (The responsibilities of each were delineated in the report.)
- The Working Group is operating within the framework of a multi-phase process with eight phases. (These phases were delineated.)
- Preparation of final Campus Plan document is affected by the impact of pending Certificate of Need and BZA applications for the proposed hospital.
- The University intends to complete a final draft of the Campus Plan in the fall of 1999, based on a December 31, 1999 expiration date for the current plan. Informal discussions with the community have begun and formal community and governmental meetings will begin in the fall of 1999.
- The ANC's proposed deadline date of February 1, 1999 would not allow enough time to prepare the plan or to have the kind of meaningful dialogue with the community prior to filing.
- The filing deadline should be no later than April 1, 2000.

Upon consideration of the ANC's request, the University's response, and the views of the Office of the Corporation Counsel, the Board, at its public meeting of November 4, 1998, requested that the University submit the **new campus plan application** not later than the close of business on **January 4, 2000**. The Board anticipated that this filing deadline would allow time for the Board to consider the *new campus plan* before the *current Campus Plan* expires. The Board was also of the view that this deadline should keep the University from having to request an extension of the Campus Plan to allow additional time for the new filing.

On the issue of **scheduling hearings for the new campus plan**, the Board Members agreed to have Zoning Commission address whether the Zoning Regulations should be amended to allow more processing and hearing time for campus plans in general.

The Board voted to **release the Memorandum of the Office of Corporation Counsel** to the public for purposed of information.

Finally, the Board **closed the record in the matter except for the two documents** previously submitted **and responses** thereto. Prior to this decision by the Board, the first of the two documents was submitted by the ANC and returned. After the Board's decision to accept it, it was not re-submitted. With regard to the second of the two documents, an interested person, in conversation with staff, expressed an interest in submitting a document once it was determined that it would be allowed into the record. However, after the Board's decision was made, the document was not submitted.

At the **Public Meeting of September 2, 1998**, the Board **DEFERRED** consideration of the petition until the Public Meeting of October 7, 1998.

**ACTION taken at the Public Meeting of October 7, 1998:**

**BY CONSENSUS**, the Board agreed to have the Zoning Commission address whether the scheduling of hearings for campus plans in general should be amended to allow for more time for community input.

(Sheila Cross Reid and Betty King participating; John G. Parsons participating by absentee vote)

**ACTION taken at the Public Meeting of November 4, 1998:**

**VOTES:**

- 4 – 0** (Jerry H. Gilreath, Betty King, John G. Parsons and Sheila Cross Reid to interpret the **expiration date** of the current campus plan to be **December 31, 2000**).
- 4 - 0** (Jerry H. Gilreath, John G. Parsons, Betty King and Sheila Cross Reid to **DENY** the **request** of ANC 2A that the Board **not consider any further special exception applications** from the George Washington University under the current Campus Plan).
- 4 – 0** (John G. Parsons, Betty King, Jerry H. Gilreath and Sheila Cross Reid to request that George Washington University **submit a new campus plan to the Board** not later than the close of business on **January 4, 2000**).
- 4 – 0** (Betty King, Sheila Cross Reid, Jerry H. Gilreath and John G. Parsons to **APPROVE** the request to **release to the public the Memorandum from the Office of the Corporation Counsel** dated November 2, 1998).

3 – 1 (Jerry H. Gilreath, Sheila Cross Reid and Betty King to **CLOSE the RECORD** in the matter **except for any documents submitted to the Board prior to closing the record, and responses thereto**; John G. Parsons opposed to the motion).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY: *Sheri M. Pruitt-Williams*  
**SHERI M. PRUITT-WILLIAMS**  
**Interim Director**

**Final Date of Order:** FEB - 2 1999

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA ORDER UPON PETITION OF ANC 2A REGARDING THE GEORGE WASHINGTON UNIVERSITY CAMPUS PLAN**

As Interim Director of the Office of Zoning, I hereby certify and attest that on FEB - 2 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Advisory Neighborhood Commission 2A  
c/o Matthew S. Watson, Esquire  
1701 Q Street, NW  
Washington, D.C. 20009

Whayne Quin  
Allison C. Prince  
Wilkes, Artis, Hedrick & Lane  
1666 K Street, N.W., Suite 1100  
Washington, D.C. 20006

Attested By:

A handwritten signature in cursive script that reads "Sheri M. Pruitt-Williams".

**SHERI M. PRUITT-WILLIAMS**

**Interim Director**

Date: FEB - 2 1999

Att./twr