

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 16566-G of the President and Directors of Georgetown College, pursuant to 11 DCMR § 3104.1, for a special exception for the review and approval of the University Campus Plan -- years 2000-2010 under Section 210 in the R-3 and C-1 Districts at premises bounded by Glover Archbold Parkway to the west, the National Park Service property along the Chesapeake & Ohio Canal and Canal Road to the south, 35th Street, N Street to 36th Street, and 36th Street to P Street to the east and Reservoir Road to the north. (Square 1222, Lots 62, 801-810; Square 1223, Lots 85-86, 807-810, 812, 815, 826, 827, 831, 834, 846-847, 852-853, 855, and 857-858; Square 1226, Lots 91, 94-101, 104-105, 803-804, 806, and 811-815; Square 1248, Lots 122-125, 150-157, 800-802, 804-806, 829-831, and 834-835; Square 1321, Lots 815-817.)

HEARING DATES: June 13, 2000 and July 18, 2000

DECISION DATES: September 5, November 8, and December 5, 2000;
April 5, 2005

CERTIFICATION DECISION DATE: October 18, 2005

ORDER CERTIFYING REVISED PLAN

PRELIMINARY MATTERS:

On January 31, 2000, the President and Directors of Georgetown College ("University" or "Applicant") filed an application for review and approval of the Georgetown University Campus Plan for Years 2000-2010. Following a public hearing, the Board voted to approve the campus plan subject to certain conditions.¹ An order reflecting that decision was issued March 29, 2001 ("March 29 Order"). The Board subsequently revised some of the conditions of approval in an order on reconsideration issued August 6, 2001 (Order No. 16566-A).

¹ In addition to the Applicant, parties in this proceeding are Advisory Neighborhood Commission 2E, the Burleith Citizens Association, Citizens Association of Georgetown ("CAG"), Cloisters in Georgetown Homeowners Association, Foxhall Community Citizens Association, Georgetown Residents Alliance, and Hillandale Homeowners Association.

The Applicant appealed the March 29 Order and the order on reconsideration to the District of Columbia Court of Appeals. By order issued December 4, 2003, the Court of Appeals vacated the Board's decision and remanded the case for further proceedings. See *President and Directors of Georgetown College v. District of Columbia Board of Zoning Adjustment*, 837 A.2d 58 (D.C. 2003).

At a public meeting on April 5, 2005, the Board voted to approve the application subject to revised conditions. A Corrected Order on Remand was issued June 7, 2005 (16566-F). Condition No. 7 directed the Applicant to prepare a revised campus plan consistent with the Order, accompanied by a table of changes listing each change. The University was required to include in the revised campus plan its Code of Student Conduct, Guide to Off-Campus Living, a description of its new Office of Campus Student Affairs Program, and any other documents reflecting the programs, policies, and procedures the University has or will institute, and was required to implement and enforce, pursuant to Condition No. 3 of the Corrected Order on Remand, including those described in Findings of Fact No. 35-37 and set forth in Exhibit No. 191 of the record. Parties were granted an opportunity to comment on whether the Applicant's proposed revised plan correctly and clearly reflected the conditions of plan approval.

The Applicant submitted its proposed revised plan and table of changes on July 20, 2005. Comments were filed August 3, 2005 by the Citizens Association of Georgetown ("CAG"), asserting that the University's revised plan did not include elements of the Office of Campus Student Affairs Program ("OSCAP") as described in Finding of Fact No. 37 and Exhibit No. 191.

At its public meeting on September 13, 2005, the Board requested additional information from the Applicant concerning the inclusion of OSCAP in the revised plan. In a submission dated September 15, 2005, the Applicant asserted that its revised campus plan was fully responsive to the Board's request. The University reiterated its commitment to its Off-Campus Program, noting the inclusion of detailed descriptions of its current programs in the revised campus plan while indicating that the programs are subject to review and improvement by the University to achieve their purposes, including the minimization of adverse impacts from off-campus student conduct.

In its response to the Applicant's submission, filed September 22, 2005, the Citizens Association of Georgetown objected that the University had not made its commitment to off-campus programs in writing in the revised campus plan. CAG asserted that the University should be required to submit a comprehensive description of its Off-Campus Student Affairs Program and the Alliance for Local Living Program as part of its campus plan.

At its public meeting on September 27, 2005, the Board requested additional revision of the Applicant's submission with respect to the off-campus programs. The Applicant submitted a revised campus plan on October 4, 2005 (Exhibit No. 301).

FINDINGS OF FACT:

The Board finds that the Applicant's revised campus plan, submitted October 4, 2005 (Exhibit No. 301), is consistent with the conditions of approval adopted in the Corrected Order on Remand issued June 7, 2005 (16566-F).

CONCLUSIONS OF LAW:

The Board certifies as the approved Campus Plan the proposed revised plan submitted by the Applicant on October 4, 2005 (Exhibit No. 301).

Accordingly, it is **ORDERED** that the Applicant's revised campus plan is **CERTIFIED** as the approved Campus Plan **SUBJECT** to the **CONDITIONS** set forth in the Corrected Order on Remand issued June 7, 2005 (16566-F).

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly Jr. and John A. Mann II voting to certify the revised campus plan; no Zoning Commission member participating or voting)

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

Each concurring member has approved the issuance of this Order.

ATTESTED BY: 

JERRILY R. KRESS, FAIA
Director, Office of Zoning 

Final Date of Order: **FEB 03 2006**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE 10 DAYS AFTER IT BECOMES FINAL.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS

CHAPTER 14 IN TITLE 2 OF THE D.C. CODE. *SEE* D.C. OFFICIAL CODE § 2-1402 (2001 EDITION). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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BZA APPLICATION NO. 16566-G

As Director of the Office of Zoning, I hereby certify and attest that on FEB 03 2006, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY:



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TWR