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April 3, 2000

'00 APR -4 A10:22
OFFICE OF ZONING
DISTRICT OF COLUMBIA

BY HAND DELIVERY

Mr. Edgar T. Nunley
Chief, Zoning Review Branch
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Second Floor
Washington, D.C. 20002

Re: BZA Application No. 16565, St. Mary's Hall, Georgetown University;
BZA Application No. 16566, Georgetown University Campus Plan

Dear Mr. Nunley:

This is in response to the letter you received from Barbara Zartman dated March 10, 2000 raising questions about the filing of the special exception application by Georgetown University for further processing of the St. Mary's project. As discussed below, the application was correctly filed as a special exception application for further processing under an approved campus plan and the issues which Ms. Zartman raises concerning traffic and parking will be addressed within the context of the public hearing scheduled for April 18.

The Application was Correctly Filed as a Special Exception

The further processing application for St. Mary's Hall requests approval of a minor addition to the building as well as renovation of interior spaces. The site is identified in the 1990 Campus Plan as mixed use and will continue to be used for mixed use. Thus, there is no change or amendment to the existing campus plan.

While it is true that the mix of uses will no longer include residential use, the need for residential use at this location has been obviated by the Board's recent approval of construction of the Southwest Quad dormitory project which will house 780 students on the southern portion of the campus. Thus, existing residential use of St. Mary's is no longer needed to meet the University's on-campus housing needs.

BZA
Case No. 16565
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16565
EXHIBIT NO.26

The Board is Required to Consider Special Exceptions Filed Under an Approved Campus Plan

The University's current campus plan is in full force and effect and does not expire until December 31, 2000. In connection with the George Washington University Campus Plan case, the Office of Corporation Counsel has previously ruled that so long as there is an approved campus plan, the Board of Zoning Adjustment is required to consider applications which are before it. Thus, the University is entitled to consideration of its special exception requests under the existing campus plan up to December 31, 2000.

Traffic and Parking are Issues for the Board to Consider at the Public Hearing

Any concerns as to the effect on traffic and parking by virtue of the renovation to St. Mary's are issues to be considered by the Board during the course of the public hearing. Section 210 requires that the Board determine that the proposed use will not have any objectionable impact in terms of traffic. Under the zoning regulations, this is an issue that must be addressed at the public hearing and not outside of the record by your office. The applicant is fully prepared to address all of the requirements of the zoning regulations when it presents its case to the Board at the April 18 public hearing.

For the reasons stated above, all of the issues raised by Ms. Zartman in her letter are appropriately before the Board of Zoning Adjustment which has the jurisdiction to review and approve the application. If you have any questions concerning the above or need any additional information, please do not hesitate to let me know.

Sincerely yours,

Maureen Dwyer

Maureen Ellen Dwyer

MED:lm/186671

cc: Jerrily Kress, Director, Office of Zoning
Board of Zoning Adjustment

Post-it Fax Note | 3/20 | Date | # of pages
To JERRILY KRESS
From BARBARA ZARINA
Co./Dept.
Phone
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791

Advisory Neighborhood Commission 2 E
Single Member District 04
1642 Thirty-fifth Street N.W.
Washington, D. C. 20007-2334
337-6505 (phone) • 337-6504 (fax)

March 10, 2000

DIST. OF COL.
MAR 20 P12:11

Mr. Edgar T. Nunley
Chief, Zoning Review Branch
Department of Consumer
and Regulatory Affairs
941 North Capitol Street NE
Washington, D. C. 20002

Dear Mr. Nunley:

Re: **BZA Application No. 16565**, St. Mary's Hall, Georgetown University Campus, and **BZA Application No. 16566**, Georgetown University 2000-2010 Campus Plan

The single-member ANC district that I represent covers the vast majority of the Georgetown University campus, whose campus plan is under consideration in BZA Application No. 16566. My district also immediately abuts the portion of that campus on which the St. Mary's dormitory is sited, which is the subject of BZA Application No. 16565.

Georgetown University, in BZA No. 16565, is seeking, by only a special exception, to change the residential use of the St. May's dormitory to office and classroom uses, contrary to the BZA order now in effect (No.15302) approving the current (1990-2000) campus plan. BZA No. 15302 not only earmarks St. Mary's for continued residential use as a dormitory; BZA Order No. 15302 also contemplates St. Mary's renovation to add 200 new beds critically needed to meet the goal of providing more on-campus undergraduate student housing to alleviate the substantial adverse effects of undergraduates living in the neighborhood. BZA No. 16565, tacitly acknowledging that it is seeking a change of use that is not consistent with the approved campus plan, therefore asks for approval of a "technical amendment" of the plan itself, without seeking consideration or review of the campus plan in its entirety. GU instead seeks BZA special exception approval of a new campus plan for 2000-2010 in a different proceeding, BZA No. 16566, filed on the same date, January 31, 2000.

Section 210 of the Zoning Regulations provides a two-step procedure for special exception approval of college and university campus changes: first special exception approval of "a plan for developing the campus as a whole," §210.4, and then special exception approval of particular campus projects consistent with the BZA-approved campus plan. In such a two-step process, one of which entails consideration and approval of the plan for developing the "campus as a whole," there appears to be no room for special exception proceedings in which the campus plan is proposed to be changed only in one particular respect or another, but the campus plan is not even proposed to be considered "as a whole."

Such ad hoc campus plan changes, in proceedings that do not involve consideration of a plan for developing "the campus as a whole," make a mockery of the orderly

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planning process which §210.4 of the Zoning Regulations requires. Any significant departure from the approved and governing plan previously approved under §210.4, before it has been replaced by a new campus plan approved in a proceeding approving a new plan for developing the "campus as a whole," should require a zoning variance under §3107, because it seeks relief from the strict application of the Zoning Regulations, which in §210 require campus development to proceed in compliance with the approved campus plan while it remains in effect.

My first questions about BZA No. 16565 are therefore:

Shouldn't the Zoning Administration's report to the BZA on BZA No.16565 (St. Mary's) advise the BZA (a) that the relief requested by the application also requires an application for a variance if such relief is to be considered or granted while the plan for developing the campus as a whole, approved in BZA No. 15302, remains in effect, and (b) that absent such an application for a variance, the processing of BZA No. 16565 (St. Mary's) should be deferred pending the outcome of BZA No. 16566 (proposed new campus plan for 2000-2010)?

My other concern is the effect on traffic and parking in the neighborhood of granting BZA No. 16565. The change proposed by BZA No. 16565 are from dormitory use for undergraduate students who, under the traffic management plan that is part of both the present and proposed campus plans, are generally not permitted to keep automobiles. The proposed new uses are mixed administrative and office uses. This could bring into the area office and administrative employees who will not and cannot be prohibited from driving to work and parking in the neighborhood.

My other question for you therefore is:

Even assuming BZA No. 16565 (St. Mary's) can now be considered and approved solely under the special exception process authorized by §3108, without a variance under §3107, even before the present campus plan has been changed in a general proceeding to approve a plan for the development of the campus as a whole, doesn't the applicant have to come forward with a traffic study and other evidence to show that the proposed change of use is not likely to become objectionable to neighboring property in terms of, among other things, traffic?

If you would like to discuss this before responding in writing, please feel free to call me. I have enjoyed working with you in the past, as with the CBRF issue when we both were at the Penn Branch Civic Association.

Sincerely,

Barbara Zartman
Commissioner, ANC 2E04