BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Rec'd.
MAY 16 2000

Application of the President and Directors
of Georgetown College

BZA Application No. 16565
Hearing Date: May 16, 2000
ANC 2E

MOTION TO CONSOLIDATE THIS APPLICATION WITH THE UNIVERSITY'S APPLICATION FOR A NEW CAMPUS PLAN IN BZA NUMBER 16566

Pursuant to BZA Rule of Practice and Procedure No. 3120.3, the Georgetown Residents Alliance, the Burleith Citizens Association, Cloisters in Georgetown, and the Foxhall Community Citizens Association, hereby respectfully move this Board to consolidate the instant application to change the existing use of St. Mary's Hall with the University's pending application for its proposed 2000-2010 master campus plan. The grounds for this motion are as follows:

The University claims that it is only seeking permission to build a "minor addition" to St. Mary's Hall which is "in accordance with the existing campus plan." TR. 164. The Office of Planning apparently accepts that specious claim at face value because it states that "the subject application requests further processing under the *existing* campus plan." What the University is actually asking this Board to approve, however, is **a major change of use for St. Mary's Hall from dormitory to office space which is wholly inconsistent with the existing campus plan and the University's express student housing commitments under that plan .**

When the existing campus plan was approved in 1990, St Mary's Hall was a dormitory that provided housing for 217 undergraduate students. **That was and still is its primary approved use.** The fact that the campus plan describes the "future facilities" at that location as "education, educational support, student residence, mixed use," does not alter the fact that the

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actual use as well as the future approved use is for dormitories. The University's proposal to convert St. Mary's Hall from "student residence" to all "mixed use" constitutes a major change in the proposed use of that building. Eliminating "student residence" as the primary use for St. Hall is clearly a "change of use" within the meaning of the statute. *See, e.g., Marjorie Webster Junior College, Inc. v. BZA,* 309 A.2d 314 (D.C. 1973) (changes in curriculum and number of students required amendment of campus plan).

Moreover, paragraph 22 of the campus plan also specifically provides that St. Mary's Hall would not only be reconstructed, but that it would be expanded to add 200 additional beds:

> 22. The Bicentennial Campus Plan places a high priority on the development of on-campus housing and other facilities. The following list indicates the phasing of new development on-campus:
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> a. On-Campus housing: to meet its commitment to provide 925 new beds on campus by 1997, the University has identified the following three priority projects for new beds:
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> i. Rehabilitation of Loyola, Xavier and Ryder to create 225 new beds.
>
> ii. Construction of a new dormitory to create 500 new beds.
>
> iii. Reconstruction of St. Mary's to provide 200 new beds.[1]

Thus, the only "explicit" uses set forth in the campus plan for St. Mary's Hall is for dormitories, dormitories and more dormitories. Because the proposal to convert all of the

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[1]Rather than keeping its commitment to renovate St. Mary's Hall by 1997, the University closed the dormitory portion of St. Mary's Hall in 1996 and it has been vacant ever since, thereby forcing students into the surrounding neighborhoods with all the attendant, noise, litter, and disturbance that the 100% goal is designed to eliminate. Accordingly, the percentage of undergraduate students who have on campus housing has actually regressed in the past ten years because the University now claims that only 78 % live on campus. Tr. 144

existing (217) and proposed (200) dormitory space into offices simply ignores those current and future uses expressly set forth in the approved campus plan, it is clearly "inconsistent" with that plan. Eliminating the 217 existing undergraduate beds at St. Mary's Hall is also inconsistent with paragraph 24 of the campus plan in which the University agreed to "significantly increase the supply of on-campus beds for undergraduate students" and to adopt, as a long term goal, "the ability to provide housing for 100 percent of its undergraduate students on campus."

This Board simply does not have authority to consider such a radical change in the currently approved use for St. Mary's Hall which would eliminate the 217 existing beds for use in meeting the 100% on campus housing goal in a proceeding for "further processing under the existing campus plan." As the Court of Appeals for the District of Columbia has held:

> It would surely contravene the regulatory scheme for the BZA to approve a building plan, even one with broad outlines, **but then grant future special exception applications for specific buildings inconsistent with the plan.**
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> * * *
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> Consequently, GWU may not make improvements inconsistent with the plan **unless it obtains BZA approval of an amendment to the plan.**

Levy v. Bd. of Zoning Adjustment, 570 A.2d 739, 749 (D.C. 1990) (emphasis added).

As the Office of Planning correctly notes, the University has not applied for a plan amendment to change the current approved use of St. Mary's Hall from dormitory to office use but only for "further processing under the existing campus plan." Such an amendment would, of course, be a complete waste of time because the new campus plan is currently being considered by this Board in BZA No. 16566.

The use to which St Mary's Hall is put for the next ten years will be an extremely important part of the University's 2000-2100 master campus plan which is currently scheduled for hearings beginning on June 13, 2000. Because the actual use of St Mary's Hall in that new

plan will affect the proposed uses and activities at all other locations on campus, the University's attempt to have this Board rule separately on what it misleadingly calls a "technical amendment" would make a mockery of the long range planning required by § 210. Therefore, as a legal matter as well as a practical matter, St. Mary's Hall cannot be singled out for separate treatment in a vacuum but must be consolidated with the new 2000-2100 campus plan proceeding which is to approve "a plan for developing the campus as a whole." § 210.

Moreover, because the University is in default of its commitment to reconstruct the existing 217 dormitory beds in St. Mary's Hall and to create 200 new beds at that location by 1997, and now seeks to renege completely on that commitment, the Board may authorize such a change only in an amendment proceeding in which it would consider how that proposal would affect any and all of the other uses and commitments in the campus plan. More specifically, the Board must consider whether, as a result of adopting such a change, the operation of the University in the residential neighborhood would likely "become objectionable to neighboring. property because of noise, traffic, number of students, or other objectionable conditions." § 210.2 . *Citizens Association of Georgetown v. BZA,* 365 A.2d 372 (D.C. 1976).

Accordingly, the above named organizations respectfully request this Board to consolidate the application to convert St. Mary's Hall from residential to office use with the pending proceeding to establish a new campus plan for 2000-2100.

Respectfully submitted,

Don W. Crockett

Don W. Crockett,
Attorney for the moving organizations

Dated May 16, 2000.