Rec'd.
MAY 16 2000

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of the President and Directors
of Georgetown College

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

MOTION TO RECONSIDER THE REQUEST OF THE GEORGETOWN RESIDENTS ALLIANCE FOR PARTY STATUS

On April 18, 2000, this Board denied the request of the Georgetown Residents Alliance (GRA) for party status on the sole ground that "Your organization is a community-wide organization, rather than one focused most closely upon the boundaries of the campus and the proximity of St. Mary's Hall." Tr. 114. The GRA believes that ruling failed to take into account the fact that many of its members do, in fact, live in close proximity to the campus, and accordingly moves for reconsideration.

The law plainly allows citizen groups to represent their members. The District of Columbia Court of appeals has summarized the U.S. Supreme Court's criteria for deciding when such a group has standing to sue in court as follows:

– First, "its members [must] have standing to sue in their own right;"

– Second, the "interest it seeks to protect is germane to the Association's purposes;"

– Third, "neither the claim asserted or the relief requested requires the participation of individual members of the lawsuit." *Dupont Circle Citizens Association v. Barry;* 455 A.2d 417, 421 n.18 (D.C. 1981), *citing Hunt v. Washington Apple Advertising Commission,* 432 U.S. 333, 342 (1997).

This standard respects the longstanding American tradition of like-minded citizens banding together to achieve common goals that may be difficult to achieve individually, given

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that an association can "draw upon a pre-existing reservoir of expertise and capital" that can help not only individuals, but also government bodies deciding difficult issues. The idea that associations should be able to represent their members has been attacked, but the Supreme Court has reaffirmed this principle of association rights, most recently in *International Union, United Auto Workers v. Brock*, 477 U.S. 274 (1986).

The GRA is no different from the Burlieth Citizens Association or the Foxhall Community Citizens Association who were granted party status in this case. Those associations, like GRA, are also "community-wide" civic organizations that have some members who reside closer to the campus than others. The GRA, just like the Burlieth, Foxhall, and Cloisters organizations, has members who live in close proximity to the University and St. Mary's Hall and, therefore, is entitled to party status just as they are.[1]

Moreover, the permanent decommissioning of an existing on-campus residence hall, without making provision for a replacement, would have adverse affects on the entire Georgetown residential community, not just those in immediate proximity to the Campus. When sufficient dormitory beds do not exist on campus, the students have no choice but to attempt to find housing as close as they can to the university. Those student rentals are currently a plague in all sections of Georgetown, Burlieth, Foxhall, and Glover Park, not just in the immediate vicinity of the University.

We note in this regard that the five requirements in section 3106.2(3) of the new rules are virtually the same as those in the prior rule. Neither the new rules nor the old rules limit

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[1]Among the GRA members who reside near the University boundary are: Guy and Francis Goodwin, 3524 P Street N.W.; Barbara Zartman, 1642 35th Street N.W.; Jean Viner Bell, 3506 Winfield Lane, N.W.; Alva and Ken Millian, 3527 Winfield Lane, N.W.; Ilse and Thomas Stauffer, 1640 35th Street, N.W.; and Hans and Josie Bruland, 1648 35th Street N.W.

participation in BZA hearings to immediate neighbors and allow would-be parties to cite not just economic interests, but "[a]ny other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied." This criterion, even when read in conjunction with the "significantly, distinctly or uniquely affected" element in section 3106.3, allows the Board to grant party status to persons or groups with a less direct interest in a site than the people who live across or down the street from the affected site. Under the circumstances, it is odd for the University to be urging that a rigorous standard must be met by neighborhood groups, whose members would be the most directly and vitally affected by land use decisions.

More specifically, we note that the Board has repeatedly allowed the GRA itself and other similar membership organizations in Georgetown to appear in prior cases and particularly campus plan cases for several decades, and it has done so without an intensive fact-finding exercise in each case. *See, e.g., Citizens Association of Georgetown v. BZA,* 402 A.2d 36 (D.C. 1979), which involved a previous campus plan and, indeed, is one of the leading cases this Board must following in deciding campus plan cases. Thus, groups that appear regularly before the BZA should be allowed party status on the basis of proffers such as those initially made by the GRA which it believes to be fully adequate under the Board's regulations.

On the basis of the foregoing, the GRA respectfully requests the Board to reconsider the Chair's previous ruling and grant it party status.

Respectfully submitted,

Don W. Crockett
Chairman

Dated May 16, 2000.