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May 31, 2000

BY HAND

Ms. Sheila Cross Reid, Chair
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N.W.
Washington, D.C. 20001

'00 MAY 31 P12:50

Re: BZA Application No. 16565
Georgetown University – St. Mary's Further Processing

Dear Ms. Reid and Members of the Board:

As specifically requested by the Board at the conclusion of the May 16 public hearing, enclosed for filing in the record of the case is the Applicant's Proposed Findings of Fact and Conclusions of Law. Also enclosed, as specifically requested by staff, is a written copy of the Closing Statement which was presented orally at the end of the public hearing.

Respectfully submitted,

Maureen E. Dwyer

MED:lm/197329

BZA
Case No. 16565
Exhibit No. 67

Board of Zoning Adjustment
District of Columbia
CASE NO.16565
EXHIBIT NO.67

APPLICANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application No. 16565 of the President and Directors of Georgetown College, pursuant to 11 DCMR 3104, for a special exception under Section 210 for further processing of an approved campus plan to permit renovation of and an addition to the existing St. Mary's Hall building at premises 3800 Reservoir Road, N.W. (Square 1321, Lot 1).

HEARING DATES: **April 18 and May 10, 2000**

DECISION DATE: **June 7, 2000**

DECISION AND ORDER

PRELIMINARY MATTERS:

1. Advisory Neighborhood Commission 2-E was automatically a party to the subject application. ANC 2-E submitted a report dated April 7, 2000 indicating that it was taking no position on the application.

2. The Board granted party status to the Burleith Citizens Association, the Cloisters West Homeowners Association and the Cloisters in Georgetown Homeowners Association. The Board denied party status to the Georgetown Residents Alliance finding that it had failed to meet the requirements for party status.

3. On May 10, 2000, the Board denied a motion to reconsider the request of the Georgetown Residents Alliance for party status noting that persons seeking party status are required to demonstrate their ability to meet the requirements for party status by filing information sufficient for the Board to make that determination at the beginning of the public hearing.

4. On May 10, 2000, the Board denied a motion to consolidate this application with the University's application for a new campus plan pending in BZA Application No. 16566. In making its decision, the Board relied on the advice of Corporation Counsel and its precedent in other cases that once an application has been filed in accordance with the zoning requirements and provided there is an existing campus plan in effect, the applicant is entitled to proceed forward with a hearing and decision on the application. The Board found no basis for requiring consolidation of this application with the future hearings on the new campus plan for the University.

SUMMARY OF EVIDENCE:

A. Applicant

1. The applicant offered testimony and evidence from Alan Brangman, University Architect and Executive Director for Facilities Planning, and Linda Greenan, Assistant Vice President for External Relations. Additionally, written testimony was filed in the record by Dr. Betty Keltner, Dean of the Nursing School, David Lambert, Vice President and Chief Information Officer, University Information Services, and Mike Bartholf, Director, Transportation, Traffic and Parking.

2. The applicant's architect, Mr. Alan Brangman, described the location of the St. Mary's Hall building and its relationship to the Georgetown University campus. He also reviewed the minor nature of the proposed addition and renovations to St. Mary's Hall and explained that the renovations were needed to satisfy current ADA and building code standards. The minor addition takes place at the front and side entrances to the building and includes an increase in square footage of approximately 427 square feet.

3. Mr. Brangman testified that with the addition of 427 square feet there was no change to the University's campus FAR and that the FAR of 1.12 was well within the permitted FAR of 1.8.

4. Mr. Brangman testified that at the time of the 1990 campus plan, the St. Mary's site was designated for mixed use which included educational, educational support and residential. At that time, St. Mary's was devoted to a mix of all three uses including student residences, academic programs and office use. The continuation of the mixed use category in the 1990 campus plan meant that all of these uses could be continued or that the building could be devoted to any one or two of the three permitted uses. Mr. Brangman testified that the current and proposed uses are in keeping with the building's mixed use designation.

5. With regard to the specific requirements of the zoning regulations, Mr. Brangman testified that the proposed renovation and minor addition would have no objectionable impact in terms of noise, traffic or number of students. The building would be well insulated and all renovation work would occur on the interior. Mr. Brangman also testified that the activities to be conducted in the building were low intensity in terms of use and included the Nursing School, the Employee Credit Union, and the University Information Services Department. The low intensity of use and the minor changes to the building would ensure that it would have no objectionable impact in terms of noise.

6. With regard to traffic, Mr. Brangman pointed out that there would be no change to parking or traffic patterns on campus as a result of the renovation work. There would be no increase or decrease in the amount of parking spaces

and no changes to the roadways that access the building. Further, the employees who would be located in this building are currently already on campus and thus there is no increase in staff or students as a result of the renovation work. Finally, those employees who currently park on campus would continue to park in those same places on campus and would walk to St. Mary's. Thus, the proposed renovation and minor addition would have no objectionable impact on traffic.

7. Mr. Brangman also testified that the St. Mary's project will result in no increase in the number of students and no other objectionable conditions. The Nursing School is presently located in this building and would return to the building as soon as the renovation work was completed. The renovation work would not result in any increase in number of students and in all respects the University is in compliance with the enrollment cap imposed by the Board in its 1990 campus plan. Mr. Brangman further testified that by improving the appearance of St. Mary's with no construction of additional floors or height, the University is in fact enhancing the existing building with no objectionable impact.

8. Linda Greenan, Assistant Vice President for External Relations, testified as to the history of the St. Mary's project, the University's on-campus housing commitment, and the community meeting process and dialogue. Ms. Greenan explained that it was her position at the University to be the liaison between the University and the community and that since her hiring in 1994, her responsibilities have included attending and coordinating the BZA mandated quarterly meetings between the University and the 14 community organizations which surround the campus. Since the 1990 campus plan, those quarterly meetings have taken place on a regular basis and those meetings provide an opportunity for the University and the community to share information and concerns.

9. Ms. Greenan explained that also at the time of the 1990 campus plan, the University agreed to provide 925 new beds on campus and St. Mary's was designated as one of the three potential sites for the provision of these beds. Instead, the University decided to increase the capacity of the Southwest Dorm project from 500 to 780 beds and to divert the monies that would have been used for renovation of St. Mary's for residential use to the Southwest Quad project. Ms. Greenan pointed out that once the Southwest Quad project is on line, the University will have provided 1,083 undergraduate beds on campus which is more than the 925 called for in the 1990 campus plan.

10. Ms. Greenan explained that the University went ahead with its housing commitment even though it was clear in the 1990 campus plan that the cogeneration project, which was never constructed, was to provide a financial base for the University to afford those beds. The University filed in the record the exhibit from the 1990 Campus Plan which expressly states that the provision of additional housing is dependent on the cogeneration facility.

11. Ms. Greenan explained that the St. Mary's project was taken off line in 1996 and that those students were relocated to other on-campus housing, specifically Darnell Hall. Subsequently, the University increased the capacity of the Southwest Quad project from 500 to 780 beds and made the decision to renovate St. Mary's for the Nursing School, Employee Credit Union, and office use. The decision to take St. Mary's off line in 1996 was communicated to the community at the quarterly meeting process and the University filed in the record a copy of the agenda for that meeting which was sponsored by the Burleith Citizens Association. That agenda included a chart updating the community on the status of all on-campus housing.

12. Finally, Ms. Greenan described the extensive process of communication with the community including discussing the plans for St. Mary's at the quarterly meeting process, review of the project at public meetings of ANC 2-E as well as review of the project at meetings with representatives of the neighboring Cloisters West Homeowners Association. Copies of the notices, agendas and sign-in sheets for those meetings were filed by the applicant.

13. The University requested expedited approval of the St. Mary's project and explained the need to go forward with this project in advance of the new campus plan application. Construction of the renovations and minor additions to the building are estimated to take approximately 15 months. In order to have the building on line for the Fall 2001 semester, the University needs to begin work immediately. It is for this reason that it separately filed the application and requests a prompt decision from the Board.

B. Testimony of the Office of Planning

1. The Office of Planning (OP), by its report dated April 13, 2000 and through testimony presented at the April 18 hearing session, recommended approval of the application. OP stated that in its opinion the applicant had met the burden of proof for the requested special exception. OP pointed out that the proposed uses for St. Mary's were consistent with the mixed use category under the University's existing campus plan. OP testified that, in its opinion, the University had fully met its housing commitment under the 1990 plan which was to provide 925 beds. OP further testified that, in its opinion, the commitment to provide that housing was dependent upon the cogeneration facility being approved. OP further pointed out that the proposed renovations to and use of St. Mary's would have no objectionable impact in terms of noise, traffic or number of students. OP recommended approval on the basis the applicant had met its burden of proof under the applicable zoning regulations.

C. Testimony of the Cloisters West Homeowners Association

1. The Cloisters West Homeowners Association appeared as a party in support of the application and presented three witnesses representing homeowners

most immediately impacted by the project. The Cloisters West Association represents 109 homeowners who live in the townhouse development immediately adjacent to St. Mary's Hall along Reservoir Road. Several of the homeowners who testified in support testified that they actually share a property line with the University.

2. The testimony of the Association supported the application for the reasons that it would have no objectionable impact in terms of noise, traffic or number of students. The Association also indicated its strong support for the proposed mix of uses and its opposition to converting St. Mary's back to residential use. In the opinion of the Association, the proximity of St. Mary's makes it unsuitable for residential use and thus it fully supported the University's plans.

D. Testimony of the Burleith Citizens Association

1. Patricia Scolaro and Bonnie Hardy presented testimony in opposition on behalf of the Burleith Citizens Association. The Association noted that in August 1996, St. Mary's was closed as a dormitory and that the upper floors were left vacant. The Association opposed using the building for academic and administrative use and pointed out that that 1990 campus plan called for adding 200 beds to St. Mary's. The Association testified that the University needs to keep every possible bed on campus.

E. Testimony of Cloisters in Georgetown Homeowners Association

1. Barbara Zartman presented the testimony of the Cloisters in Georgetown Homeowners Association in opposition to the application. The Association represents 32 homeowners in the townhouse development located at the intersection of 35th Street and Reservoir Road. The Association opposed the application but testified that it did not want St. Mary's rehabbed as a 400 student dormitory. The Association pointed out that it was a "terrible mistake to have designated this facility for that purpose." The Association pointed out that the conversion of St. Mary's now would foreclose better options for the space which might include an underground garage/office facility on the lot. The Association also had issues with the University's proposed increase of 500 students in its campus plan and questioned whether the University had met its housing commitment to date.

F. Testimony of the Federation of Citizen Associations of the District of Columbia

1. Guy Gwynne presented testimony on behalf of the Federation which was a person in opposition to the application. The testimony expressed concern about proceeding forward in advance of the campus plan and suggested that the University should house all of its off-campus students on campus.

G. Testimony of the Georgetown Residents Alliance

1. Don Crocket presented the testimony on behalf of the Alliance which appeared as a person in opposition. The Alliance testified that St. Mary's in an integral part of the new campus plan and should not be considered separately, that the University cannot meet its commitment to house 100% of its students on campus without St. Mary's Hall, and that the University's failure to provide the beds at St. Mary's is a breach of its commitment in the 1990 campus plan.

H. Support Letters

1. Additionally, there were 12 letters in support of the application filed by individual residents within 200 feet of the project.

FINDINGS OF FACT:

1. The property that is the subject of this application is Lot 1 in Square 1321, located on the Georgetown University campus at premises 3800 Reservoir Road, N.W.

2. The St. Mary's building contains approximately 81,329 square feet. It is bounded on the north by Reservoir Road, on the east by the townhouse development known as Cloisters West Homeowners Association, on the south by the Georgetown University campus and on the west by the Georgetown University campus/medical center.

3. The site is currently devoted to a mix of uses including the Nursing School, the Employee Credit Union, and administrative office space. The proposed uses for the building are the Nursing School, the Employee Credit Union, and the University's Information Services Department.

4. The site is zoned R-3 which permits college or university use as a special exception under Section 210. Since the adoption of the 1958 zoning regulations, the University has submitted nine campus plans to the Board of Zoning Adjustment for review and approval. The most recent updating of the campus plan was the 1990 plan, which was approved in BZA Order No. 15302. The current campus plan is in effect until December 31, 2000. The subject application requests further processing under the existing campus plan.

5. At the time of the 1990 campus plan, the St. Mary's site was designated for mixed use including educational, educational support and residential. At that time, St. Mary's was devoted to a mix of uses which included student residences, academic programs and office use. Subsequently, in 1996, residential use of St. Mary's was discontinued. The proposed mix of uses is consistent with the building's mixed-use designation in the 1990 Campus Plan.

6. As part of the University's negotiations with the community regarding its 1990 campus plan, an Appendix H was added to the 1990 plan which identified the St. Mary's site as providing the "potential" to increase the supply of housing on campus by 200 beds through reconstruction and a possible addition. Recently, however, the University received approval for construction of the Southwest Quadrangle dormitory project, which was approved by the BZA in application No. 16427. Since this project will add 780 beds to the campus, the St. Mary's site is no longer needed as potential housing site. Accordingly, the University plans to renovate the building for continued mixed use which will include its continued use by the School of Nursing, the employee credit union, and the Georgetown University Information Technology Department.

7. The proposed project will add approximately 427 square feet to the existing St. Mary's building, bringing its total square footage to 81,756 square feet. This minor increase in gross floor area does not change the total campus FAR which is currently 1.12 and which will continue to be 1.12 even with the proposed additional space.

8. In its present condition, the building is in a poor state of repair and is approximately 40% vacant. The proposed improvements consist of interior renovation to conform to current ADA and building code requirements, the minor addition of approximately 427 square feet at the front and side entrances and exterior work to replace windows and improve the site landscaping.

9. The plans for the work have already been reviewed and approved by the Old Georgetown Board and the Commission of Fine Arts.

10. There will be no increase in the number of students, faculty or staff by virtue of the renovation of the building. All students and employees to be located in the building are currently located on campus.

11. There will be no change to the parking or traffic circulation system on campus. The project will not result in any increase or decrease in the amount of parking nor will it result in any changes to campus roadways.

12. The proposed project will have no impact on the University's housing commitment under the 1990 campus plan. The students that were originally residing in St. Mary's were relocated in 1996 to other on-campus locations. Further, St. Mary's is no longer needed as a potential housing site since the capacity of the Southwest Quad project has been increased to accommodate the approximately 200 additional beds that were initially proposed for this location. The 1990 campus plan clearly identified St. Mary's as one of three potential housing sites and pointed out that if the capacity of the new dormitory project were to be increased, St. Mary's may not be needed as a housing site.

CONCLUSIONS OF LAW AND OPINION:

The applicant is seeking a special exception under Section 210 of the zoning regulations for further processing of an approved campus plan to allow the construction

and use of St. Mary's Hall in an R-3 District. D.C. Code Section 5-424(g)(2). The Board is authorized to grant a special exception where, in the judgment of the Board based on a showing of substantial evidence, the special exception will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and zoning maps, subject to certain conditions specified in Section 210.11 DCMR Section 3108.1.

Keeping this standard in mind, the Board notes that some of the evidence and testimony presented in this proceeding included discussion of matters that are not relevant to the Board's determination of whether the applicant's request for a special exception should be granted. A great deal of testimony was devoted by the parties and persons in opposition to arguing campus plan issues that are not the subject of this application but rather will be considered by the Board when the new campus plan hearings are held. Pursuant to subsection 3108.1, the Board's inquiry in this case focused on whether the requested special exception would be in harmony with the general purpose and intent of the zoning regulations and maps and would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and map. The Board's decision in this matter is based solely on the substantial evidence in the record pertaining to the effects of the proposed renovation and addition to St. Mary's Hall on the use of neighboring property and not on issues which will be the subject of the future campus plan case.

As a preliminary matter, the Board concludes that this application is appropriately before the Board for consideration at this time and that there is no basis for delaying action on this case or for consolidating it into the future campus plan case. The application has been filed in accordance with the requirements of the zoning regulations and it is entitled to review and decision by this Board under the University's current campus plan which does not expire until December 31, 2000.

Turning to the merits of the application, the Board concludes that the applicant has met the test for the granting of the special exception because the proposed use is in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and zoning maps. With respect to consistency with the general purpose and intent of the zoning regulations, the Board notes that the subject site is located within the boundaries of the University's campus plan, that it is an existing building, and that even with the proposed addition of 427 square feet, the building will not exceed the limits prescribed in the zoning regulations or the University's campus plan with respect to FAR (Finding of Fact No. 7).

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. We concur with the Office of Planning's conclusion that the proposed project fully meets the conditions enumerated in Section 210 of the zoning regulations.

The Board concludes that the proposed renovations and additions to St. Mary's are not likely to create objectionable noise impacts given the low intensity of use that will take place in the building and that the bulk of the renovation work will be on the interior and insulation materials will meet all District of Columbia construction requirements. None of the parties or persons in opposition presented any testimony that there would be an objectionable impact due to noise. Further, the party in support testified that the proposed uses for the building would have much less impact in terms of noise than if the building were devoted to residential use.

The proposed project is also not likely to create any objectionable impact on vehicular traffic or parking. The building has existing roadways providing existing access and there are no changes proposed to those roadways. There are also no changes proposed to the parking and all employees and students using the building will continue to park at those locations on campus where they are presently permitted to park. None of the parties or persons in opposition raised any objection due to parking or traffic. As to the concern about the possible future construction of a parking garage, this issue is not part of the application and thus not relevant to the Board's discussion.

The Board further concludes that the proposed project will not have an objectionable impact in terms of number of students or other objectionable conditions. The St. Mary's project will result in no increase in number of students and no other objectionable conditions. The University is proposing no change in its enrollment cap. Testimony presented by the parties in opposition as to a possible increase of 500 students is a campus plan issue and is not part of the subject application.

The Board accorded ANC 2-E the "great weight" to which it is entitled. Since ANC 2-E did not take a position on the application, there is no report of the ANC in the record and no great weight to be attached to any report.

The Board concurs with the Office of Planning that the proposed renovations and additions to St. Mary's is not inconsistent with the Comprehensive Plan and will not impair the intent, purpose or integrity of the zoning regulations for the R-3 District.

Further, as to the testimony and concerns of the opposition, the Board finds that the majority of the issues raised by the opposition were campus plan issues and not relevant to the subject application. There was no specific testimony as to how the St. Mary's project would result in any objectionable impacts. All issues related to the campus plan will be considered by the Board as part of the pending campus plan case at future hearings. The Board also notes that based on the testimony and evidence of record, the University has provided the Board with an update on its on-campus housing program and that the University is in compliance with the 1990 campus plan order.

For the reasons stated above, the Board concludes that the applicant has met the burden, it is hereby **ORDERED** that the application be **GRANTED**.

VOTE:

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

ATTESTED BY: _____
SHERI M. PRUITT-WILLIAMS
SECRETARY TO THE BOARD

#196687

CLOSING STATEMENT

THIS APPLICATION IS FOR SPECIAL EXCEPTION RELIEF UNDER SECTION 210 OF THE ZONING REGULATIONS.

IN CONSIDERING SPECIAL EXCEPTION APPLICATIONS, THIS BOARD MUST CONSIDER ONLY WHETHER THE RELEVANT CONDITIONS IN SPECIAL EXCEPTION CRITERIA HAVE BEEN MET. AS THE COURTS HAVE CONSISTENTLY HELD, IF THE APPLICANT MEETS ITS BURDEN, THE BOARD MUST GRANT THE APPLICATION.

BASED ON THE TESTIMONY AND EVIDENCE PRESENTED, WE BELIEVE THAT WE MEET THE SPECIAL EXCEPTION CRITERIA. FURTHER, MUCH IF NOT ALL OF THE TESTIMONY IN OPPOSITION HAS ADDRESSED CAMPUS PLAN ISSUES, NOT THIS BUILDING, THIS APPLICATION.

UNDER SECTION 210, THE ISSUE IS WHETHER THE USE IS LOCATED SO THAT IT IS NOT LIKELY TO BECOME OBJECTIONABLE TO NEIGHBORING PROPERTY DUE TO NOISE, TRAFFIC, NUMBER OF STUDENTS OR OTHER OBJECTIONABLE CONDITIONS. CLEARLY THESE CONDITIONS ARE MET.

FIRST, WITH REGARD TO NOISE, ST. MARY'S IS AN EXISTING BUILDING WHICH WILL BE RENOVATED ON THE INTERIOR. ALL OF THE ACTIVITY IS LOW IN INTENSITY OF USE AND IN ALL RESPECTS THE DESIGN AND USE OF THE BUILDING WILL HAVE NO OBJECTIONABLE IMPACT ON NEIGHBORING PROPERTY DUE TO NOISE.

SECOND, THE PROPOSED RENOVATION OF ST. MARY'S WILL NOT CHANGE IN ANY WAY THE TRAFFIC OR PARKING PATTERNS ON CAMPUS. THERE WILL BE NO ADDITIONAL CARS AT THIS LOCATION, NO CHANGES TO THE ROADWAY, AND NO INCREASE IN STUDENTS, STAFF OR FACULTY. THUS, IN ALL RESPECTS, THE RENOVATION WILL HAVE NO OBJECTIONABLE IMPACT IN TERMS OF TRAFFIC.

THIRD, THE ST. MARY'S PROJECT WILL RESULT IN NO INCREASE IN NUMBER OF STUDENTS AND NO OTHER OBJECTIONABLE CONDITIONS. THE UNIVERSITY IS IN COMPLIANCE WITH THE ENROLLMENT CAP IMPOSED BY THE BOARD IN ITS 1990 CAMPUS PLAN AND THE RENOVATIONS TO ST. MARY'S WILL ENHANCE THE APPEARANCE OF THE BUILDING WITH NO OBJECTIONABLE IMPACT.

AS ALSO REQUIRED BY SECTION 210, THERE IS AN EXISTING CAMPUS PLAN ON RECORD WHICH IS IN EFFECT UNTIL DECEMBER 31, 2000. THE PROPOSED MINOR INCREASE IN FAR IS WELL WITHIN THE FAR LIMIT FOR THE CAMPUS AS A WHOLE, AND THE APPLICATION HAS BEEN REFERRED TO THE APPROPRIATE DISTRICT AGENCIES.

WE AGREE WITH THE OFFICE OF PLANNING REPORT THAT DETAILS OUR FULL COMPLIANCE WITH THE ZONING REQUIREMENTS AND THE REASONS WHY THIS APPLICATION SHOULD BE GRANTED.

AS ALSO REQUIRED BY THE UNIVERSITY'S 1990 CAMPUS PLAN, THE UNIVERSITY HAS PROVIDED AN UPDATE ON ITS HOUSING PROGRAM JUST AS IT HAS WITH EVERY OTHER PROJECT THAT HAS BEEN APPROVED BY THIS BOARD SINCE 1990. THAT UPDATE SHOWS THAT WITH THE APPROVAL OF THE SOUTHWEST QUAD PROJECT BY THIS BOARD LAST YEAR, THE UNIVERSITY WILL HAVE PROVIDED 1,083 UNDERGRADUATE BEDS ON CAMPUS WHICH IS IN EXCESS OF THE 925 REFERENCED IN THE 1990 CAMPUS PLAN.

FURTHER, AS THE UNIVERSITY HAS INDICATED, THESE BEDS ARE BEING PROVIDED EVEN THOUGH IT IS CLEAR FROM THE 1990 CAMPUS PLAN ORDER THAT THE BZA RECOGNIZED THE IMPORTANCE OF THE COGENERATION PROJECT IN TERMS OF PROVIDING THE FINANCIAL RESOURCES FOR THE UNIVERSITY TO PROVIDE THESE BEDS.

SOME OF THE OPPOSITION HAS ARGUED THAT ST. MARY'S SHOULD BE CONVERTED BACK TO DORMITORY USE AS IT WAS IN 1996. THAT IS NOT THE ISSUE NOR THE SPECIAL EXCEPTION TEST. THE TEST IS WHETHER THE PROPOSED USE COMPLIES WITH THE CAMPUS PLAN, WHICH IT DOES, AND WHETHER THE USE WILL BE OBJECTIONABLE IN TERMS OF NOISE, TRAFFIC OR NUMBER OF STUDENTS. AS THE RECORD SHOWS, ST. MARY'S HAS NOT BEEN USED FOR DORMITORY USE SINCE 1996. AT THAT TIME, THE MONEY FOR ITS RENOVATION FOR HOUSING WAS DEVOTED TO THE NEW DORM PROJECT AND ITS CAPACITY WAS INCREASED FROM 500 TO 780. THE CURRENT AND PROPOSED USES FOR THE BUILDING FULLY COMPLY WITH ITS MIXED USE DESIGNATION UNDER THE CAMPUS PLAN.

NOT ONE OF THE PERSONS OR PARTIES IN OPPOSITION OFFERED ANY TESTIMONY AS TO HOW THIS BUILDING WOULD BE OBJECTIONABLE. ALL OF THE TESTIMONY ADDRESSED CAMPUS PLAN ISSUES, NOT THIS FURTHER PROCESSING CASE, AND THERE IS NO EVIDENCE ON WHICH TO DISAPPROVE THIS APPLICATION.

FINALLY, IT IS IMPORTANT TO NOTE THAT THIS APPLICATION HAS THE SUPPORT OF THE CLOISTERS WEST HOMEOWNERS ASSOCIATION WHICH REPRESENTS 109 HOMEOWNERS WITHIN 200 FEET OF THE ST.

MARY'S PROJECT. THEY ARE THE INDIVIDUALS MOST IMPACTED BY THE APPLICATION AND THEY ARE THE ONES WHO ARE IN SUPPORT. ADDITIONALLY, THERE ARE 11 INDIVIDUAL LETTERS IN SUPPORT FROM PROPERTY OWNERS WITHIN 200 FEET.

FOR ALL OF THESE REASONS, WE BELIEVE WE ARE ENTITLED TO THE SPECIAL EXCEPTION RELIEF. WE REQUEST A PROMPT DECISION SO THAT THE PROJECT CAN BEGIN IMMEDIATELY AND BE BROUGHT ON LINE FOR THE FALL 2001 SEMESTER.

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