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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

BZA
Case No. 16566
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16566
EXHIBIT NO.21

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