Georgetown Residents Alliance

3070 2 Street, N.W., Washington, D.C. 20007

May 23, 2000

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Jerrily R. Kress
Executive Director
Board of Zoning Adjustment
441 4th Street, N.W.
Washington, D.C. 20001

RE: REQUEST FOR "PARTY" STATUS IN BZA No. 16566
Georgetown University's Application to extend its Campus Plan to the year 2010.

Dear Ms. Kress:

Pursuant to the Board's procedural rules, this is to request that the Georgetown Residents Alliance (GRA) be granted status as an "opposing party" in the above referenced special exception proceeding. The GRA is a civic association with more that 250 members who reside in Georgetown. Its primary objective is to represent the collective interest of its members in preserving the character of Historic Georgetown as a pleasant and safe place to live. The GRA has been a party in two previous cases before the BZA (No. 16246 and 164770). Because the requested exception is for the extension of Georgetown University's Campus Plan to the year 2010, the Board's decision in this case will have numerous economic, environmental, and social impacts over the entire Georgetown residential community and will affect the lives of all residents and not just those who live in immediate proximity to the University.[1]

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).

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[1]The GRA, of course has many members who either live within the existing campus boundary or in close proximity to it. Among those members 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.

BZA
Case No. 16566
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16566
EXHIBIT NO.36

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 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).

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 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 made above and accepted by this Board in previous cases.

Many of the modifications to the existing Campus Plan proposed by the University are highly controversial and could have profound and long lasting adverse effects on the residential neighborhoods in which the University now exists. Therefore, effective participation by the representatives of those neighborhoods is essential.

GRA believes it is essential that the University's witnesses be cross-examined by representatives of the surrounding community to elicit the actual facts concerning the numerous issues in the Campus Plan that may have adverse effects on residents all over Georgetown and the other surrounding communities. GRA will be represented by the undersigned member of the District of Columbia Bar who will conduct the cross-examination.

Accordingly, the GRA respectfully requests this Board to grant it status as a party in the above referenced proceeding and to schedule **ample time at the hearing to permit GRA's attorney to cross-examine the University's witnesses.**

Sincerely,

Don W. Crockett

Don W. Crockett
Chairman
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