Neighbors for a Livable Community
4710 Woodway Lane, NW
Washington DC 20016

February 18, 2004

Ms. Carol Mitten, Chair
DC Zoning Commission

Re: Case No. 03-29
PUD Application of
Geo. Washington University;
Square 103 Lot 817

Dear Ms. Mitten:

We write to express our intense concern regarding the effort by George Washington University to circumvent the Zoning Commission's regulation regarding university use of residentially-zoned land by seeking approval of a campus project under the regulation for Planned Unit Developments. For the reasons outlined below we urge the Commission to deny the University's application.

As you know from previous cases, Neighbors for a Livable Community represents neighbors of American University. It has more than sixteen years of experience dealing with the problem of regulating University uses of land in residential communities to avoid adverse impacts on neighboring residences and communities. We are deeply concerned about the case currently before you because it seems evident that this is a test case that, if successful, would promptly be put to use by the other universities as a way to achieve approvals that would not be available under the campus plan regulations. The universities are all represented by the same counsel, and through their coalition they compare strategies and coordinate their applications so as to achieve maximum freedom from public regulations that inhibit their growth and their construction plans.

The Zoning Regulation seeks to protect residential communities by providing that, when a university seeks to use land that is zoned for residential use, it must avoid activities likely to become objectionable to neighboring residents. The regulation also provides maximum density for a campus in a residential community. These provisions have been the subject of many hearings and orders by the Commission. The result has been quite imperfect. Sometimes the regulation and the process in place of carrying it out has provided a measure of protection for communities. But, because of non-enforcement and repeated *faits accomplis,* the regulatory process has not prevented George Washington University and others from seriously altering the quality of the residential community in which they are located.

But even the protections of this regulatory program, imperfect as they are, would be completely undermined if a university were allowed to substitute the standards and procedures of the PUD regulations and proceed under them instead. The campus plan

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standards and regulations, being more specific and tailored for the protection of residential neighbors from university impact, are clearly superior to, and should not be weakened by, the more general and permissive PUD regulations.

At a time when the system for protecting the City's valuable residential communities from the impact of large institutions, cries out for strengthening, it would be disastrous to open a new hole in it by providing universities an alternative that allows them even greater freedom.

Respectfully submitted,

Robert Herzstein
President