July 7, 2000

BY HAND DELIVERY

District of Columbia Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Z.C. Cases Nos. 99-9 and 99-10

Dear Members of the Commission:

At its public meeting held on June 12, 2000, the Zoning Commission discussed the above-referenced cases, which propose to evaluate the present Zoning Regulations which control college or university uses, with an eye to possible amendments to those Regulations. The focus of the discussion at the meeting was whether to transfer the review of campus plans from the Board of Zoning Adjustment to the Zoning Commission.

The Commission voted to request emergency legislation from the Council of the District of Columbia to authorize the Commission to hear and decide special exception and variance cases which would otherwise be heard and decided by the Board. The Council's action would presumably be followed by action of the Commission to effect that transfer of jurisdiction. On behalf of The George Washington University, Georgetown University, American University, Howard University, Trinity College and the Consortium of Universities of the Washington Metropolitan Area, we respectfully request that the Commission not go forward with its request for emergency action nor amend the Regulations at this time.

The Commission, with the Office of Planning, has already begun the process of considering whether and, if so, how to amend the Regulations. The Commission has requested advice from OP and has further determined to hold a forum to receive input from the public on this question. We understand that the forum is now scheduled for July 27th and that the forum will serve as vehicle for the Commission to receive views and input from all interested segments of the community. We are looking forward to participating in this process, and we will be prepared to offer comments and suggestions on how the process might be improved. We believe that to act on an emergency basis now, without benefit of notice, hearing or discussion, is to undermine the very process which is about to commence. The Commission has a long history of actively encouraging community input. In the absence of any compelling reason to displace the normal procedural safeguards, and especially with a case which is likely to be characterized by substantial public comment, we believe that it would be inappropriate for the Commission to displace the process already on track.

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Furthermore, action to change the process at this time would substantially prejudice two universities, George Washington and Georgetown, which are in the middle of hearing processes on updated campus plans before the BZA, and would likewise prejudice American University, which expects to file an application for a revised campus plan shortly. All three universities have diligently followed the regulations and processes and have proceeded in good faith. The insertion of a new procedure when these major universities are midway through the current process would disrupt faith in the regulatory process and its agencies.

- Pursuant to deadlines and a schedule established by the BZA, the BZA held a lengthy public hearing on April 26, 2000, to begin the process of considering the George Washington University campus plan. Parties were determined, the University presented its plan, and the parties cross-examined University representatives. A second hearing is now scheduled for September 12, 2000, at which government agencies and parties in opposition are to be heard. To break the process at this point, whereby the Zoning Commission will hear the second part of the case and make a decision without hearing the University's presentation of its case, will cause substantial prejudice to the applicant. Likewise, if the University must start anew and make a second presentation of its case to the Commission, the time and costs to the applicant will be substantial.

- A similar situation applies to Georgetown University. The BZA held the first hearing on June 13, 2000, at which parties were determined, the University presented its plan, the Board members asked questions and cross-examination of the University by the parties was concluded. A second session to conclude the hearing is scheduled for July 18, 2000. Georgetown faces the prospect of having its hearing concluded before the Board and then having the process moved to the Zoning Commission. The Commission will either have to make a decision without the benefit of having heard any of the case, or will have to make all the parties go through the process again. A delay could also significantly impact projects such as St. Mary's Hall and the Performing Arts Center, whose funding may be put in jeopardy. Similarly, the Physicians Office Building and its associated garage are critical to MedStar's financial turnaround strategy for the medical campus. Further, since universities are captive to an academic calendar, even a short delay could mean the loss of an entire academic year.

- Trinity College is scheduled to file an amendment to its campus plan in the fall to allow for the long-awaited construction of an athletic facility for girls and women. Any delays to this process will add to the cost of the project and potentially affect its feasibility.

- American University is now scheduled to file its application this summer for approval of its campus plan, which expires at the end of 2000. Delays in consideration of its plan could be

problematic for projects which the University has in development and for which funding is already in place.

We are all concerned that action on an emergency basis to amend the law and/or the Regulations would be unfair and disruptive to processes now under way. We believe that the Commission should proceed along the course it has established and consider in an orderly way whether the Regulations should be amended. At the request of Andrew Altman, we have provided to the Office of Planning some comments and suggestions relative to the process. A copy of that letter is attached. We are ready and willing to engage in discussions with the Commission, OP and all other affected persons on what the Regulations should be, but we strongly believe that those discussions should occur within the boundaries of the normal processes and that there is no reason to act on an emergency basis.

Sincerely,

THE GEORGE WASHINGTON UNIVERSITY

BY: _____

AMERICAN UNIVERSITY

BY: _____

TRINITY COLLEGE

BY: _____

Attachment

cc: Andrew Altman, Office of Planning
Mayor Anthony Williams

GEORGETOWN UNIVERSITY

BY: Alice Boyce

HOWARD UNIVERSITY

BY: _____

THE CONSORTIUM OF UNIVERSITIES OF THE WASHINGTON METROPOLITAN AREA

BY: John B. Childers