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October 15, 2009

By Hand Delivery

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: **Zoning Commission Order No. 07-23^A Georgetown University –
Construction of New Science Center, Athletic Training Facility, and
Modification of Multi-Sports Facility
Application to Extend Time Limit on ZC Action**

Dear Chairperson Hood and Members of the Commission:

The President and Directors of Georgetown College (“Georgetown” or “Applicant”) hereby submits this statement in support of an application to extend the expiration date of ZC Order No. 07-23, for a period of two years (until November 23, 2011). A copy of ZC Order No. 07-23, effective November 23, 2007, is attached as Exhibit A. Pursuant to 11 DCMR §3035.5, the Zoning Commission uses the Board of Zoning Adjustment (“BZA”) Rules of Practice and Procedure in processing, reviewing and approving college and university uses. On June 5, 2009, revisions to the BZA’s rules on the time limits on BZA action became effective with the adoption of 11 DCMR §3130.6 through §3130.10. This statement addresses how the proposed request to extend the expiration date of ZC Order No. 07-23 satisfies the relevant requirements enumerated in 11 DCMR §3130.6.

ZC Order No. 07-23 granted special exception approval for the further processing of an approved campus plan to permit the construction of a new Science Center and new Athletic Training Facility, as well as modifications to the approved Multi-Sport Facility. The Order also granted approval for an amendment to an approved campus plan to accommodate the Athletic Training Facility. Finally, the

ZONING COMMISSION
District of Columbia

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CASE NO. 07-23A
EXHIBIT NO. 1

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ZONING COMMISSION
District of Columbia
CASE NO.07-23A
EXHIBIT NO.1

Order granted special exception and variance relief from the roof structure regulations in order to accommodate the Science Center's roof structure.

The Applicant's satisfaction of the relevant requirements of §3130.6. are addressed below.

3130.6 The Board may grant one extension of the time periods in §3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines the following requirements are met:

This letter serves as the Applicant's written request to extend the time period of the Commission's approval of ZC Order No. 07-23. ZC Order No. 07-23 became effective on November 23, 2007. Therefore, the filing of this request is prior to the expiration of the approval of ZC Order No. 07-23, which is November 23, 2009.

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;**

As noted in the attached Certificate of Service, the Applicant has served this request on the only party to the original application, Advisory Neighborhood Commission ("ANC") 2E.

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and**

The Applicant is not proposing any changes to the plans for the buildings as they were approved by the Commission in Order No. 07-23. There are also no changes to any of the material facts that existed when the Commission approved the original application.

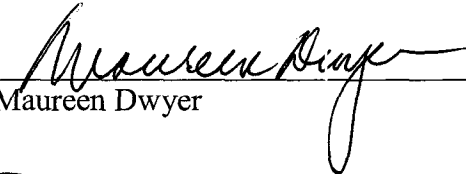
- (c) The Applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**

- (2) **An inability to secure all governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
- (3) **The existence of pending legislation or other such condition, circumstance, or factor beyond the applicant's reasonable control.**

The Applicant is asking for the Commission to extend the period of time to construct the approved project due to the unprecedented negative economic circumstances impacting development in the District of Columbia and throughout the United States. Georgetown's financial plan for the new facilities requires donations to cover a major portion of the construction costs. While significant effort is being put into fundraising for the new facilities, the state of the economy is affecting gift-giving and slowing progress. With the current turmoil in the economy and financial markets, Georgetown does not believe it is prudent to proceed with the project until more progress is made in fundraising. In addition, faced with the current economic climate, the University is not prepared to borrow the balance of the money required to construct the facility or take on the additional operating costs. See Exhibit B (summary of Sept. 29 address by University President John J. DeGioia on the University's response to the economic crisis).

In accordance with 11 DCMR §3130.7, Georgetown requests that the Commission grant a two (2) year time extension of ZC Order No. 07-23. Thus, the new expiration date of approval for this project will be November 23, 2011. The Applicant is prepared to submit any other information or evidence in support of this application and appreciates your consideration of this matter.

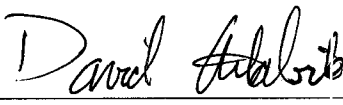
Respectfully submitted,


Maureen Dwyer


David Avitabile

Certificate of Service

I certify that on October 15, 2009, a copy of the foregoing document was delivered via first class mail to the addresses listed below.



David Avitabile

ANC 2E
c/o Melanie Gisler
3265 S Street NW
Washington, DC 20007

D.C. Office of Planning
c/o Joel Lawson
2000 14th Street, NW
4th Floor
Washington, DC 20009

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission



ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Z.C. ORDER NO. 07-23

Z.C. Case No. 07-23

**(Georgetown University – Construction of New Science Center, Athletic Training Facility,
and Modification of Multi-Sports Facility)**

October 22, 2007

Application of the Presidents and Directors of Georgetown College (the “Applicant”), pursuant to 11 DCMR §§ 210 and 3104, for special exception approval of further processing applications for (1) the construction of a new Science Center, (2) construction of a new Athletic Training Facility, and (3) modifications to the approved Multi-Sport Facility; and approval of an amendment to an approved campus plan to accommodate the Athletic Training Facility. In addition, the Applicant requests technical relief from the Zoning Regulations that includes (1) a special exception pursuant to §§ 411 and 3104 to locate the rooftop structure on the Science Center within the required setback from the exterior walls and (2) a variance pursuant to § 3103 for the rooftop structure on the Science Center to exceed the height limit for roof structures.

HEARING DATE: October 22, 2007

DECISION DATE: October 22, 2007 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commission (“ANC”) 2E, and to owners of property within 200 feet of the site. The campus of Georgetown University is located within the jurisdiction of ANC 2E.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for a college or university. Furthermore, as directed by 11 DCMR § 3119.2, the Commission has required the Applicant to satisfy the burden of proving the elements necessary to establish the case for a special exception pursuant to §§ 411.11 and 3104, and for variance relief pursuant to §§ 3103.2 and 400.7.

The Applicant requested flexibility to modify the design of the Athletic Training Facility in response to future comments from the Old Georgetown Board and Commission of Fine Arts, provided that the height and density of the structure will not be increased above the levels proposed in the application.

The D.C. Office of Planning ("OP"), in a report dated October 12, 2007, which was submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the campus plan amendment, further processing applications, and special exception and variance relief for the new Science Center roof structure with the condition that all athletic events at the Multi-Sports Facility expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m. The District Department of Transportation ("DDOT"), in a report dated October 10, 2007, which was submitted into the record, concluded that the projects will have negligible impacts on the transportation network and, therefore, DDOT had no objections to the proposal. ANC 2E submitted a letter to the Commission, dated October 4, 2007, in support of the application with the condition that the Multi-Sport Facility and Athletic Training Facility not be used for revenue-generating, non-University-related events.

Barbara Zartman of the Citizens Association of Georgetown ("CAG"), expressed concerns on CAG's behalf. The Commission determined that the bulk of the issues raised by CAG were unrelated to the application and were, therefore, outside the scope of the proceedings. With respect to the issues raised by CAG regarding the variance relief requested, the Commission determined that the application was clear and consistent regarding the relief requested and in any event satisfied the requirements of the Zoning Regulations.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes and gives great weight to, the recommendation of OP that the application satisfies the requirements of § 210 as well as the requirements for special exception and variance relief. The Commission also notes and gives great weight to the recommendation of ANC 2E that the proposed variance relief and special exception for the new Science Center roof structure will not impact neighboring properties and is required to permit the Applicant to achieve its meritorious goal of LEED Silver certification.

It is, therefore, **ORDERED** that the application be **GRANTED** subject to the following conditions:

1. All athletic events taking place at the Multi-Sport Facility expected to draw more than 100 visitors shall begin either before 4 p.m. or after 7 p.m.

2. The Multi-Sport Facility and Athletic Training Facility shall not be used for revenue-generating, non-University-related events.
3. The Applicant shall have flexibility to modify the design of the Athletic Training Facility in response to the Old Georgetown Board and Commission of Fine Arts, provided that the height and density do not exceed the amounts proposed in the application.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the Order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Curtis Etherly, Jr. and Michael Turnbull to approve; John Parsons, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: NOV 23 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF

ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., ("ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE ACT, THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-23

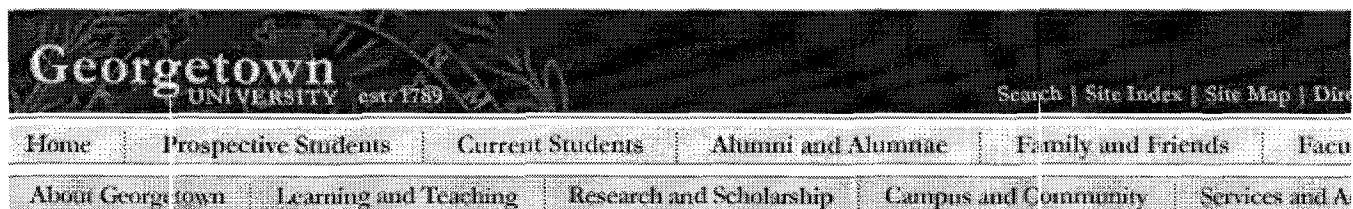
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As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 07-23 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|--|
| 1. <i>D.C. Register</i> | 6. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Dave Aitable, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128 | 7. Councilmember Jack Evans |
| 3. Ed Solomon, Chair
ANC 2E
3265 S Street, NW
Washington, D.C. 20007 | 8. Office of Planning (Harriet Tregoning) |
| 4. Commissioner William Skelsey
ANC/SMD 2E03
1513 35th Street NW
Washington, D.C. 20007 | 9. DDOT (Ken Laden) |
| 5. Commissioner Jenna Lowenstein
ANC/SMD 2E04
3615 Prospect Street NW
Washington, D.C. 20007 | 10. Zoning Administrator (Matthew LeGrant) |
| | 11. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 12. Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

EXHIBIT B



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University News

University on Stable Economic Ground

Five-Point Plan Provided Insulation; Focus Turns to Investing in Academic Excellence

The nation's continuing economic crisis took center stage at a Sept. 29 faculty town hall meeting held by President **John J. DeGioia**, who said a university response plan has left Georgetown in good financial shape.

Speaking from the Bunn Intercultural Center auditorium, DeGioia pointed to hope on the horizon when it comes to the "great recession."

"The combination of what we undertook, and the signs of the increasing stability in our national economy, now allow us to look toward the future," he said.

Georgetown's future includes a new capital campaign, which has been in the quiet stage for three years. The Office of Advancement has secured \$525 million in commitments already for the campaign, which will focus on investing in financial aid, faculty and some facilities.

"One key part of the campaign, and our first priority, is building upon our 30-year history of providing need-blind admissions and full-need financial aid," DeGioia said.

To that end, the capital campaign will include the new 1789 Scholarship Imperative, an effort to provide fund raising support for 1,789 undergraduate scholarships over five years.

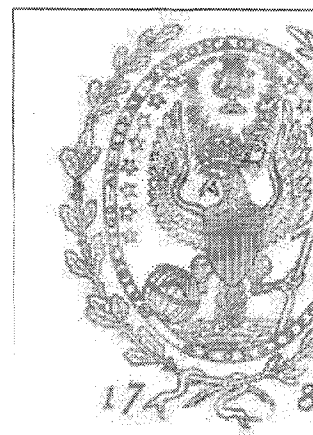
"Another cornerstone of the campaign will be strengthening the resources and support for faculty," DeGioia said, noting that senior leaders will work together "to position all three campuses for investment in faculty and research excellence."

Signs the recession may be easing also means the salary deferrals in place since June will end in January for faculty and staff. The salary pool will be 2.5 percent and raises will take effect on Jan. 1. The next anticipated employee salary increase will be in January 2011, and university leaders will make a decision about whether to return to the typical July increases after that.

Still, the recession does continue to affect Georgetown, the president said. He recapped a five-point plan enacted early during the financial downturn to help insulate Georgetown from the economic storm. The plan included limited tuition increases to ensure access and affordability, delaying employee salary increases, adopting a conservative spending strategy, emphasizing philanthropy for operations and restructuring the university's debt portfolio.

DeGioia said the plan helped the university hold to \$12.5 million in operating cost deficits instead of the projected \$40 million for Fiscal Year 2009.

As part of conservative spending, construction halted earlier this year on the new science building. When faced with the recession, Georgetown was neither prepared to borrow the multimillions needed nor take on additional operating costs, DeGioia said.



Other University News

- » [Louise Arbour Awarded 1 Work in Diplomacy](#)
International affairs leader Arbour becomes the first to receive the Institute for of Diplomacy's Trainor Award
 - » [Solar Compactors, Extra to Green Efforts](#)
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The university is fundraising, with \$25 million raised thus far, and also has applied for a stimulus grant to aid with construction costs.

"We are, by any definition, a shovel-ready project," DeGioia said, pointing to a condition of applying for stimulus funds.

By mid-winter, administrators expect to know both about the stimulus grant and the philanthropy efforts, and hope to make a decision about how and when to move forward on the science building construction. DeGioia said the building is Georgetown's highest infrastructure priority.

"The conditions for making a decision include securing either philanthropy or stimulus money in the range of \$25-40 million and ensuring we can meet the extra operational costs," the president said. "If we achieve those things, we can move forward with the project."

DeGioia also revisited the endowment, which took a hit from the recession and fell by about \$100 million from its \$1 billion high. The endowment now stands at \$940 million, and its performance is in the top quartile of all institutional investors, DeGioia noted.

Georgetown had a lucky break in September 2008 when bond rating agencies raised the university's rate, which dictates how much interest the university pays on debt. The raised rate came through just two weeks before the financial crisis began in earnest, and the better rating has allowed Georgetown to pay less interest its debts.

"During the past summer, we again went before the rating agencies, and I'm glad to report that, despite the macro-environment, they felt sufficiently comfortable with Georgetown, its management team and student selectivity to reaffirm our Standard & Poors rating of A- and our Moody's rating of A3," DeGioia announced.

This comes on the heels of Fiscal Year 2009 proving Georgetown's best fundraising year. The university raised \$186 million in campaign commitments and \$182 million in cash. Totals were boosted by the \$75 million McDevitt gift to support faculty research, however, "even without the McDevitt gift, we still surpassed the prior record for cash by \$10 million," DeGioia said.

-- Lauren Burgoon

(September 30, 2009)

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