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November 14, 2011

**Filed Electronically**

Mr. Anthony Hood  
Chairman, D.C. Zoning Commission  
441 4<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20001

Re: Z.C. Case No. 1032: Georgetown University Campus Plan  
CAG/BCA Response to Motion to Strike November 8  
Supplemental Submission

Dear Chairman Hood and Members of the Commission:

The short answer to this frivolous motion is that the Commission expressly permitted all parties to this proceeding – including Georgetown University (“GU”), the ANCs and the parties in opposition – to file supplemental submissions germane to the issues raised in this case. As the June 20, 2011 transcript makes clear the record was closed to non-parties but remained open to the parties to respond to filings by other parties. GU counsel ignores the fact that when Ms. Dwyer requested that the parties be permitted to respond only on transportation issues, Chairman Hood responded:

“Okay. And whatever else.” (p. 26).

Vice Chairman Schlater then asked “So what are we specifically closing the record to?”

Chairman Hood responded: “I think any – let me clarify that, Vice Chairman Schlater. At least from my standpoint, I think anything that is germane to the parties I would like to keep open. Especially transportation.” (p.28)

Ms. Dwyer: “And we would agree to that. Yes.” (p.29)

**ZONING COMMISSION**  
**District of Columbia**

Commissioner May noted the approach adopted by the Chairman was normal Commission procedure:

"I mean that's sort of the normal process for resolving things. I don't think we're doing anything unusual by suggesting that we would close the record for the general comments and then allow parties to respond, you know, as need be during the rebuttal process." (p. 30).

Shortly before this June 20, 2011 hearing (which originally had been scheduled as the final hearing in this case) GU's counsel filed an extensive "Rebuttal Submission" which by its terms, was not limited to rebuttal. In the cover letter to this document dated June 15, 2011 counsel explained:

"This submission is filed in rebuttal to testimony and information presented by opponents of Georgetown University's Campus Plan and also in response to the reports of city agencies. **In addition, in further response to requests from the Commission and to community and city agency concerns, this submission supplements and amends the Campus Plan.**" (emphasis added)

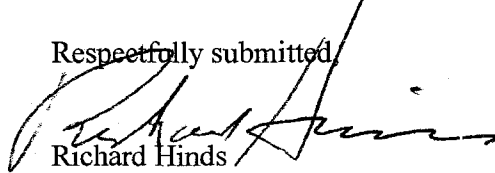
The letter then described in detail the seven Campus Plan amendments and the new factual information provided in support of the Campus Plan, as amended.

The Supplemental Submission filed last week by ANC 2E and the joint submission of the Citizens Association of Georgetown and the Burleith Citizens Association directly responds to the new issues raised by GU in this June 15 document and it is the only method available to them to respond at this point in the proceedings. GU's position that it can amend its Campus Plan in various respects in its "Rebuttal Submission", argue those amendments adequately address the objectionable conditions established in the record, and prevent the Commission from considering the response of the other parties is absurd, contrary to the Commission's ruling on supplemental submissions in this case, and would obviously be highly unfair and prejudicial to those parties.

Finally it should be pointed out that the Supplemental Submissions in question were filed and hand delivered to GU counsel on November 8, well in advance of the November 17 hearing date to provide GU ample time to review and take them into account in GU's Rebuttal Presentation.

For the foregoing reasons GU's motion should be denied.

Respectfully submitted,



Richard Hinds

Counsel for Citizens Association of Georgetown  
and the Burleith Citizens Association

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Citizens Association of Georgetown and the Burleith Citizens Association's Letter in the Georgetown University Campus Plan - ZC Case No. 10-32* was e-mailed, hand delivered or mailed, postage prepaid, on November 14, 2011 to the following:

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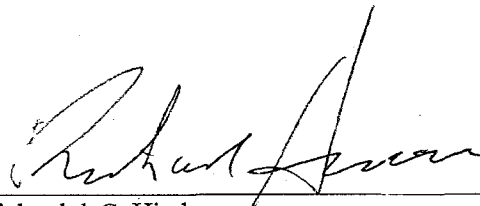
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