

CLEARY GOTTlieb STEEN & HAMILTON LLP

NEW YORK
PARIS
BRUSSELS
LONDON
FRANKFURT
COLOGNE
MOSCOW

2000 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006-1801
(202) 974-1500
FACSIMILE
(202) 974-1999
WWW.CLEARYGOTTlieb.COM

ROME
MILAN
HONG KONG
BEIJING
BUENOS AIRES
SÃO PAULO

Writer's Direct Dial +1 202 974 1540
E-Mail: rhinds@cgsh.com

June 25, 2012

RECEIVED
D.C. OFFICE OF ZONING
2012 JUN 25 PM 1:01

VIA Electronic Filing

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

Re: Z.C. Case No. 10-32: Georgetown Campus Plan – Joint Response
to Findings of Fact and Conclusion of Law filed by ANC 3D

Dear Chairman Hood and Members of the Commission:

Advisory Neighborhood Commission 2E (“ANC 2E”), the Citizens Association of Georgetown (“CAG”), and the Foxhall Community Citizens Association (“FCCA”) jointly submit this response to the “Findings of Fact and Conclusions of Law” filed by ANC 3D.

1. The ANC 3D filing is not consistent with the Commission’s limitation on the scope of supplemental filings and should be disregarded.

The ANC 3D filing purports to set forth facts and conclusions of law. However, the deadline for filing proposed findings and conclusion of law (January 13, 2012) has long since past. The Commission instructed the parties to limit the supplemental filings due June 18, 2012 to an assessment of the various initiatives taken or proposed to be taken by Georgetown University (“the University”) to address the student noise and behavior issues identified by the parties in opposition as objectionable conditions. Transportation issues and any issue unrelated to the University’s initiatives are therefore not open for further submissions by any party at this time. Those portions of the filing by ANC 3D dealing with those issues (transportation, Kehoe

ZONING COMMISSION
District of Columbia

CLEARY GOTTlieb STEEN & HAMILTON LLP OR AN AFFILIATED ENTITY HAS AN OFFICE IN EACH OF THE CITIES LISTED ABOVE

ZONING COMMISSION
District of Columbia
CASE NO. 10-32
EXHIBIT NO. 381

Field view shed and enrollment) are therefore untimely. Finally, it should be noted that the relief requested by ANC 3D on transportation, that DDOT “conduct a broad-scale traffic evaluation” of permitting left turns on Canal Road by GUTS buses exiting the University during the AM rush hour, is entirely consistent with the Summary Order and what DDOT has testified in this proceeding it intends to do based on actual experience during the pilot period.

2. The portion of the ANC 3D filing concerning housing for graduate students in MacArthur Boulevard apartments misconstrues the terms of the Joint Order and inappropriately attempts to change a reasonable settlement proposal.

During this proceeding the Burleith Citizens Association (“BCA”), CAG, FCCA and ANC 2E identified total student density in their neighborhoods as a serious concern. To address this concern, the University has agreed to limitations on its acquisition of property within the boundaries of the agreement. See Summary Order ¶ 4 n.1 (defining the geographic boundaries of the Summary Order), and ¶ 30 (limiting University property acquisitions). The jointly submitted Summary Order includes a provision that the University must obtain permission from both the relevant civic association and ANC before purchasing or leasing additional property in Georgetown, Burleith and Foxhall for use as student housing. Partially excluded from this limitation on University property ownership are several blocks of existing apartment buildings on MacArthur Boulevard near the University that are otherwise included within the Summary Order. These apartment buildings on MacArthur Boulevard are located within the geographic boundaries of the FCCA, and the FCCA raised concerns about the potential use of these apartment properties for undergraduate student housing. In response, the University agreed to language in paragraph 30 of the Summary Order clarifying that if the University were to purchase or to lease any such apartment property on MacArthur Boulevard that property would only be used for graduate student housing. We believe this is a reasonable resolution of this issue in the context of the overall proposed agreement.

ANC 3D appears to misconstrue this provision as applying to all of MacArthur Boulevard when it applies only to apartment properties located on the portion of MacArthur Boulevard south of Whitehaven Parkway, which are within the geographic boundaries of the Summary Order and the geographic boundaries of FCCA. More importantly, there is nothing in the record of this case concerning the impact of graduate students living in apartment buildings on MacArthur Boulevard.

3. Other issues raised by ANC 3D

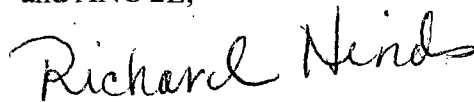
ANC 2E, FCCA, CAG and BCA represent the communities immediately adjoining and most impacted by the University. The Summary Order the community parties, ANC 2E and the University jointly support represents a careful negotiated compromise on a host of difficult issues. It creates a structure going forward for any interested person or organization, including the Palisades Citizen Association or ANC 3D, to provide input to the Georgetown Community Partnership (of which ANC 3D is a member) on issues of concern. ANC 3D thus can raise at the appropriate time whatever relevant issues it wishes to raise. However, the settlement jointly supported by the University, ANC 2E, CAG, BCA and FCCA reasonably

addresses the issues and any suggestion to the contrary by ANC 3D is without foundation and unpersuasive.

Accordingly, we request that the jointly submitted Summary Order be approved as submitted by ANC 2E, CAG, BCA, FCCA and the University.

Ron Lewis of ANC 2E has authorized me to state that ANC 2E joins in this response. Likewise, Conrad J. DeWitte, Jr. of FCCA has authorized me to state that FCCA joins in this response.

Respectfully submitted on behalf of CAG, FCCA,
and ANC 2E,

A handwritten signature in black ink that reads "Richard Hinds". The signature is written in a cursive, flowing style.

Richard Hinds
Counsel for Citizens Association of Georgetown

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Joint Response to Findings of Fact and Conclusion of Law filed by ANC 3D in the Georgetown University Campus Plan - ZC Case No.10-32 were delivered electronically, on June 25, 2012 to the following:

Office of the Clerk
DC Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

Maureen E. Dwyer/David Avitabile
Goulston & Storrs
1999 K Street, NW, Suite 500
Washington, DC 20006

Conrad J. DeWitte, Jr.
Foxhall Community Citizens
Association
4442 Greenwich Pkwy, NW
Washington, DC 20007

Ron Lewis, Chairman
ANC2E
3265 S Street, NW
Washington, DC 20007

Ann Hass, Commissioner
ANC 3D
P.O. Box 40846 Palisades Station
Washington, DC 20016

Steve Mordfin/Jennifer Steingasser
D.C. Office of Planning
1100 4th Street, S.W., Suite E650
Washington, DC 20024

Christopher Clements
Counsel for Burleith Citizens
Association
3600 Whitehaven Parkway, N.W.
Washington, D.C. 20007

Colleen Hawkinson/Jeffery Jennings
D.C. Department of Transportation
2000 14th Street, N.W.
7th Floor
Washington, DC 20009



Richard deC. Hinds
Counsel for the Citizens Association of Georgetown
2000 Pennsylvania Avenue, NW, Suite 9000
Washington, DC 20006