BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA

Application of the Georgetown University Hospital and the President and Directors of Georgetown College
Campus Plan Further Processing

Z.C. Case No. _____
ANC 2E

PRELIMINARY STATEMENT OF THE APPLICANT

I.

NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR § 3104 and in accordance with § 210 of the Zoning Regulations, the Georgetown University Hospital (hereinafter "**Hospital**") and the President and Directors of Georgetown College (hereinafter "**GU**" or "**Georgetown**") request special exception approval for the further processing of an approved campus development plan to permit the construction of an addition to the first floor of the Bles Building of the Hospital. Georgetown plans to use the proposed addition for CyberKnife radiation treatment.

No variances are requested in this application, and the requested special exception relief fully meets the requirements of the Zoning Regulations. Georgetown has discussed the proposed addition with representatives of the community, and their responses have been favorable.

II.

INTRODUCTORY STATEMENT

History of the Campus Plan

Georgetown submitted its proposed campus plan for the period 2000 through 2010 (the "**Campus Plan**") to the Board of Zoning Adjustment ("**BZA**") on January 31, 2000. The

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Campus Plan was approved subject to conditions and subsequently appealed to the D.C. Court of Appeals. The Court of Appeals vacated the order and remanded it to the BZA for further proceedings. The parties submitted materials on August 2, 2004 and submitted proposed findings of fact and conclusions of law in December of 2004. Georgetown expects that the Order on Remand will be issued shortly. The Project will comply with the conditions of the Campus Plan as approved by the BZA in the Order on Remand.

III.

REQUESTED SPECIAL EXCEPTION

Construction of Accuray Cyberknife Vault Addition

Georgetown plans to construct a modest, two-story addition to the existing Bles Building (the "**Project**"). The Bles Building currently contains the Department of Radiation medicine and other uses related to the Hospital. The Project involves the renovation of approximately 2,400 square feet and the addition of approximately 1,200 square feet. It will house radiosurgery equipment known as CyberKnife, manufactured by Accuray. The CyberKnife provides painless, non-invasive treatment for tumors anywhere in the body and can be used to treat lesions and tumors that otherwise would be untreatable. CyberKnife recently has been used to treat lung tumors by targeting the tumor with pinpoint accuracy while allowing the patient to maintain normal breathing during the surgery. The addition will house the CyberKnife equipment and a CyberKnife vault, in which the treatment will take place. The plans for the Project are attached as Exhibit C.

IV.

JURISDICTION OF THE COMMISSION

Effective December 8, 2000, the authority to hear and decide new campus plan and

further processing applications became exclusively vested in the Zoning Commission pursuant to 11 DCMR § 3035. Each case is processed and heard under the special exception provisions of § 210 of 11 DCMR.

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Commission must consider only whether the relevant conditions and special exception criteria have been met. If the applicant meets its burden, the Commission ordinarily must grant the application . *See First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment,* 432 A.2d 965 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment,* 305 A.2d 516, 518 (1978).

In recent decisions, the D. C. Court of Appeals has reaffirmed the Commission's jurisdiction and scope of review in campus plan cases and has made clear that in reaching its decision the Commission may take into consideration such factors as institutional necessity. *See, e.g., Draude v. District of Columbia Board of Zoning Adjustment,* 582 A.2d 949, 955 (1990). Further, the Court has distinguished the broader public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

Through the exhibits, testimony and other evidence, Georgetown will establish that it complies with all applicable provisions of the Zoning Regulations so as to be entitled to the requested special exception relief. GU will establish that the requested further processing approval will allow the Hospital to provide the highest level of medical care to its patients with little impact on the community. The approval of this application will allow GU to continue as a vital educational institution and community resource serving both the mission of Georgetown and the larger public good.

V.

WITNESSES

1. Representative of the Applicant

2. Representative of Architection, the Architect for the Project

VI.

EXHIBITS IN SUPPORT OF APPLICATION

Exhibit A: BZA Order on Remand

Exhibit B: Georgetown's Statement of Compliance with Campus Plan Conditions

Exhibit C: Plans for the Project and Photographs of the Property

Exhibit D: Outlines of Witness Testimony

VII.

COMPLIANCE WITH THE REQUIREMENTS OF §210

In all respects, the requested special exception fully complies with § 210 of 11 DCMR. The specific zoning requirements are addressed in detail below.

A. College or University Which is an Academic Institution of Higher Learning (Subsection 210.1)

Georgetown University was founded as an educational institution of higher learning in 1789 and received its federal charter in 1815.

B. The Use is Located so that it is Not Likely to Become Objectionable to Neighboring Property (Subsection 210.2)

The Project is a minor addition that will have little affect on neighboring properties and will not cause objectionable noise, traffic, number of students, or other objectionable conditions. No other changes to existing campus uses or facilities or to the campus boundaries are proposed, nor is Georgetown proposing any changes to its enrollment or staff members.

C. Compliance with the Maximum Bulk Requirements (Subsection 210.3)

Georgetown's overall FAR is 1.13, which is well below the 1.8 FAR permitted under the zoning regulations. The Project will add approximately 1200 square feet to the Georgetown campus. The additional 1200 square feet will have a negligible effect on the overall FAR for the campus.

D. Submission of a Plan for Developing the Campus as a Whole (Subsection 210.4)

Georgetown filed its 2000 Campus Plan in 1999. The Campus Plan was approved by the BZA, subject conditions, and was appealed to the D. C. Court of Appeals. The Court vacated the order and remanded it for further proceedings. The parties submitted their Proposed Findings of Fact and Conclusions of Law on December 17, 2004. Georgetown expects the Order on Remand to be issued shortly. No changes to the Campus Plan are proposed as part of this amendment application.

E. No Interim Use of Land is Proposed (Subsection 210.5)

No interim use of land is requested as part of this campus plan.

F. No New Use Sought for Approved Site of Buildings Moved Off Campus (Subsection 210.6)

Georgetown does not seek approval for any use of a previously approved building site and thus complies with this section.

G. Compliance with the Policies of the District Elements of the Comprehensive Plan (Subsection 210.7)

The Project is not inconsistent with the policies of the District Elements of the Comprehensive Plan. The Project will further the goals and objectives of the Ward 2 element of the Comprehensive Plan by enhancing educational facilities in the ward without adversely impacting adjacent residential areas.

H. The Proposed Buildings Are within the Floor Area Limit for the Campus as a Whole (Subsection 210.8)

The existing Campus Plan FAR of 1.13 is within the permitted 1.8 FAR prescribed for the residentially zoned portions of the campus. The Project will add approximately 1200 square feet to the campus, which will not affect the existing FAR.

I. Referral to the District of Columbia Office of Planning and the District of Columbia Department of Public Works (Subsection 210.9)

This application was referred to the Office of Planning and DDOT for their review and report.

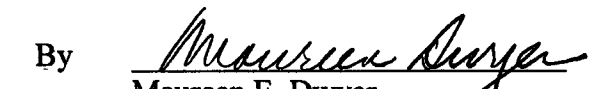
VIII.

CONCLUSION

For the reasons stated above, the requested amendment to the campus plan conditions meets the special exception requirements and carries out the city's and the community's objectives for Georgetown's campus. Accordingly, it is respectfully requested that the Commission approve the application.

Respectfully submitted,

SHAW PITTMAN, LLP

By 
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