TESTIMONY OF THE CITIZENS ASSOCIATION OF GEORGETOWN

PRESENTED BY RICHARD HINDS

BEFORE

THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

IN CASE No 05-31 (Georgetown University)

The Citizens Association of Georgetown ("CAG") is pleased to have this opportunity to testify this evening on behalf of its more than 1,100 members regarding Georgetown University's Application for the construction of a new business school facility and the renovation of Harbin Field into a multi-sports facility on the Georgetown Campus.

I would like to note at the outset that CAG is a strong supporter of the University's efforts to make itself a world-class institution of higher learning and it supports both of the proposals before the Commission in this case. However, we have concerns concerning truck traffic and the commercial use of Harbin field that we believe the Zoning Commission needs to address in its approval of the University's application.

First, the University is located immediately adjacent to residential communities on its north, east and south. Traffic on Georgetown's narrow streets is already heavily impacted by the University's ongoing educational activities and medical facilities. The proposed construction project is extensive, will take a considerable period of time to complete, and will result in a large number of heavy dump trucks and other construction vehicles going to and from the construction site. We believe that it is imperative during the construction process that the University require construction vehicles to use the University's Canal Road entrance rather than drive through the streets of Georgetown.

Second, we support the renovation of Harbin Field into a sports center for University or community use. However, we are concerned that without appropriate restrictions on use this new upscale facility could also be used for large-scale commercial events that would create traffic congestion if not gridlock on Georgetown's streets, and pose the potential for creating excessive noise, vandalism and even violence on the streets of Georgetown. Permitting this new

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facility to be used for rock concerts or other commercial activities geared to the general public rather than its students would cause an otherwise fine addition to the Campus to be a source of an undue adverse impact on the surrounding residential community.

Significantly neither the Campus Plan nor this application contains a plan to mitigate the noise, traffic, policing and other adverse impacts that holding such events on Harbin Field would cause. Georgetown has therefore failed to meet its burden of establishing that its proposed unrestricted use of Harbin Field for whatever events it wants to hold there is "not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions" as required by the applicable zoning regulations. [*See* 11 DCMR 210.2.] Accordingly the Commission must impose an appropriate limitation on such commercial uses as a condition of its approval of the Harbin Field portion of the application.

The Commission should note in that connection that the original 2000 Georgetown University Campus Plan approved by the Board of Zoning Adjustment orders dated March 29, 2001 and August 6, 2001 contained the following condition:

> The Performing Arts Center, Harbin Field, and McDonough Arena shall be used for purposes related to the University or the community, and not for non-University events whose primary purpose is revenue generation.

Georgetown appealed the Campus Plan Order to the DC Court of Appeals complaining about various conditions in it, including the cap on undergraduate enrollment, but it did not raise any issues concerning the limitation on commercial use of Harbin Field. Indeed on December 22, 2004, after the Court of Appeals vacated the original order and remanded the Campus Plan to the BZA for further proceedings, Georgetown submitted a proposed Order to the BZA containing the identical condition. As did CAG. So at least as of December 2004 Georgetown recognized that such a restriction on its use of those facilities was a reasonable if not essential condition of approval of its Campus Plan.

However, in its Order on remand dated June 7, 2005 the BZA eliminated that provision. CAG has appealed the June 7 Order to the D.C. Court of Appeals, arguing that the BZA's deletion of that provision and certain other undisputed

conditions contained in the original order and the proposed orders of both Georgetown University and CAG was arbitrary and capricious. That appeal is pending but it may not be resolved for some time. In the meantime the Campus Plan Order currently contains no restrictions on the use of Harbin Field for the kinds of activities that would be of concern to CAG.

In conclusion we urge the Commission to grant Georgetown's application subject only to the conditions that construction traffic shall be required to use the Canal Road entrance to the University and that the Harbin Field Sports Facility shall not be used for non-University events whose primary purpose is revenue generation.