GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION ORDER NO. 05-31
Z.C. Case No. 05-31
(Georgetown University – Construction of New Business School and Renovation of Former Harbin Field into Multi-Sports Facility)
November 28, 2005

Application No. 05-31 of the President and Directors of Georgetown College (the "Applicant"), pursuant to 11 DCMR § 3104 and in accordance with § 210 for special exception approval of an application for further processing of an approved Campus Plan to permit the construction of a new McDonough School of Business facility (MSB) and a new multi-sports facility (MSF).

HEARING DATE: November 28, 2005

DECISION DATE: November 28, 2005 (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.

The D.C. Office of Planning, in a report dated November 17, 2005, which was submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the application with the condition that all athletic events at the MSF expected to draw more than 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m. ANC 2E submitted a letter to the Zoning Commission, dated October 7, 2005, in support of the application in light of the fact that Georgetown will continue to comply with its Campus Plan. The Burleith Citizens Association and the Hillandale Homeowners Association Board of Directors also submitted letters in support of the application.

Richard Hinds, legal advisor to the Citizens Association of Georgetown (CAG), spoke on CAG's behalf to oppose only two aspects of the application: the need to limit the use of the MSF and to require construction traffic to use the Canal Road entrance. The Applicant agreed to the latter

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condition, but did not agree to language limiting the use of the MSF. The Commission agreed with the Applicant and denied CAG's request for conditioning approval on limiting the use of the MSF. The Commission further noted that it could not include a condition concerning construction traffic, even though the Applicant had agreed to it, because the condition bore no relationship to the impact of the operation of the use itself.

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 the Office of Planning that the application satisfies the requirements of § 210 with the condition OP requested. The Commission notes and gives great weight to the recommendation of ANC 2E that the proposed application will not adversely affect the use of the neighboring property as the proposed construction is located on the interior of the campus, the application does not propose an increase of on-campus parking, and the new facilities are not likely to increase campus related traffic on adjacent streets.

It is, therefore, **ORDERED** that the application be **GRANTED** subject to the condition that all events taking place at the MSF expecting to draw more than 100 visitors shall start either before 4:00 p.m. or after 7:00 p.m.

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 , John G. Parsons, Gregory N. Jeffries, and Michael Turnbull to approve; Carol J. Mitten, 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

JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

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FINAL DATE OF 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 § 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 § 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 § 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 OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO 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 THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.