

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

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THE GEORGE WASHINGTON :

UNIVERSITY - LERNER HEALTH: : Case No.

AND WELLNESS CENTER - : 02-26B

MODIFICATION TO PERMIT ONE- :

YEAR EXTENSION OF APPROVAL :

:

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Monday,
April 22, 2013

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 02-
26B by the District of Columbia Zoning

Commission convened at 6:30 p.m. in the
Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

MARCIE COHEN, Vice Chair

MICHAEL G. TURNBULL, FAIA,

Commissioner (OAC)

PETER MAY, Commissioner (NPS)

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

PAUL GOLDSTEIN

The transcript constitutes the
minutes from the Public Hearing held on April
22, 2013.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

CALL TO ORDER, Chairman Hood.	
ZONING COMMISSION CASE NO. 02-26B - The George Washington University - Lerner Health and Wellness Center - Modification to Permit One- Year Extension of Approval.4
Preliminary Matter.7
Presentation by the Applicant	
Charles Barber, Deputy General Counsel, GW University8
Susi Cora, Director of Campus Planning for the GW Division of Operations . .	13
Q&A	14
Office of Planning, Paul Goldstein.	18
Closing by the Applicant.	19
Motion and Discussion	
Vote to Approve (5-0-0)	22
ADJOURN, Chairman Hood.	23

P-R-O-C-E-E-D-I-N-G-S

6:31 p.m.

CHAIRMAN HOOD: Let's get started.

Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia for Monday, April 22, 2013.

My name is Anthony Hood. Joining me this evening are Vice Chairperson Cohen, Commissioner Miller, Commissioner May, and Commissioner Turnbull. We are also joined by Office of Zoning Staff Ms. Sharon Schellin. I expect the Office of Planning to join us shortly.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly, I must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case No. 02-26B. This is a request by George Washington

1 University for special exception relief
2 pursuant to 210 and 3104.1 of the Zoning
3 Regulations to modify Zoning Commission Order
4 02-26A to permit a one-year extension of the
5 order.

6 Notice of today's hearing was
7 published in the D.C. Register on February 22,
8 2013 and copies of that announcement are
9 available to my left on the wall near the
10 door.

11 The hearing will be conducted in
12 accordance with the provisions of 11 DCMR 3117
13 as follows: preliminary matters; Applicant's
14 case; report of the Office of Planning; report
15 of other government agencies; reports of the
16 Advisory Neighborhood Commission, in this case
17 ANC-2A; organizations and persons in support;
18 organizations and persons in opposition;
19 rebuttal and closing by the Applicant.

20 The Applicant has requested 15
21 minutes; organizations five minutes;
22 individuals three minutes. Please turn off

1 all beepers and cell phones at this time so as
2 not to disrupt these proceedings.

3 We've also been joined by Mr.
4 Goldstein of the Office of Planning.

5 Would all individuals wishing to
6 testify please rise to take the oath.

7 Ms. Schellin, would you please
8 administer the oath?

9 MS. SCHELLIN: Yes.

10 (The witnesses were sworn.)

11 CHAIRMAN HOOD: At this time the
12 Commission will consider any preliminary
13 matters. Does the staff have any preliminary
14 matters?

15 COMMISSIONER MAY: Mr. Chairman, I
16 have a preliminary matter.

17 CHAIRMAN HOOD: Okay.
18 Commissioner May.

19 COMMISSIONER MAY: In the past
20 I've made various disclosures and recusals on
21 matters relating to GW because of my
22 children's enrollment at School Without Walls

1 and taking courses at GW and so on.

2 I'm pleased to say that they are
3 no longer in high school and they are
4 elsewhere in college so I have -- I do not
5 need to make a recusal in this case. It was
6 this case that I think I recused myself on a
7 long time ago.

8 I am not recusing myself now and
9 there is no other disclosure to make at this
10 time. I wanted to make sure the record is
11 clear.

12 CHAIRMAN HOOD: Okay. Thank you.
13 Anyone else? Commissioner Miller.

14 COMMISSIONER MILLER: On that
15 note, as I disclosed in the previous GW case,
16 I am a proud graduate of GW Law School but I
17 don't think that has any bearing on my ability
18 to make a fair and balanced decision in any
19 case involving GW.

20 CHAIRMAN HOOD: Okay. Great.

21 Any other disclosures? Okay. I
22 think both my colleagues --

1 COMMISSIONER MAY: I took a class
2 there a couple of times a few years ago.

3 CHAIRMAN HOOD: I was at the
4 hospital. Okay, but seriously, we have no
5 problems in proceeding.

6 Ms. Schellin, do you have anything
7 else?

8 Okay. Mr. Barber, you're taking
9 the lead. Where is Mr. Avitabile?

10 MR. BARBER: Yes. I'm here for
11 two reasons. The main reason is David
12 Avitabile from Goulston & Storrs, who
13 represents the university on many matters, he
14 and his wife are having a baby. By this time
15 tomorrow there should be another Avitabile in
16 the world and we wish them well.

17 CHAIRMAN HOOD: Could you pass on
18 our congratulations to them?

19 MR. BARBER: I will.

20 CHAIRMAN HOOD: Tell them we said
21 hello and congratulations.

22 MR. BARBER: I will. Thank you

1 very much.

2 The other reason I am here is
3 because I do have some background and context
4 of this since I was around in 1998 when this
5 case was first heard so you're stuck with me
6 tonight.

7 My name is Charles Barber for the
8 record. I'm Deputy General Counsel at George
9 Washington University. With me tonight is
10 Susi Cora, Director of Campus Planning for the
11 University.

12 This will be very brief. It's a
13 very straightforward case. It has to do with
14 the Lerner Health and Wellness Center that was
15 approved in 1998. There were certain
16 conditions imposed that limited the types of
17 users who could use the facility.

18 There were two additional classes
19 of users that were added but they were time
20 limited. That limitation recently expired
21 last February and we are here to extend that
22 for one year basically keeping the status quo.

1 So just a little bit of
2 background. When this case was first brought
3 before the Commission, this was on the prior
4 campus plan prior to any PUDs, straightforward
5 further processing case.

6 The concern raised by some members
7 of the community was to limit the users so
8 there would not be any adverse traffic
9 impacts. The original case limited the use to
10 students, faculty, and staff of the Foggy
11 Bottom campus.

12 After this recreational facility
13 was built, the University came back in 2004
14 and sought to add a first group of additional
15 users and that first group was students,
16 faculty, and staff of the Mount Vernon campus
17 because there was a shuttle going back and
18 forth and they weren't going to have any
19 traffic impacts.

20 Also, members of our Board of
21 Trustee, and members of the School Without
22 Walls, which you may remember, Mr. May, who

1 are permitted to use the facility under the
2 guidance of an instructor. That was the first
3 group.

4 We then came back in 2007 to ask
5 to continue that first group but I asked for
6 permission to add a second group of additional
7 users and the second group were the immediate
8 neighbors, members of St. Mary's Church, St.
9 Mary's Court, and the Remington. There was a
10 fixed number of users for those facilities.

11 As well as GW alumni who lived in
12 the Foggy Bottom-West End area. Again, the
13 intention was not to add anymore traffic and
14 that these users weren't going to have any
15 traffic impacts.

16 These two groups of additional
17 users were permitted but their use expired.
18 The permission for them to use the facility
19 expired February 7, 2013 of this year. We
20 filed this case to continue their use for
21 another year.

22 Now, there has been no complaints,

1 no adverse impacts. We actually thought about
2 simply coming forward to make this permanent,
3 but what we thought we would do is take this
4 year extension and do a study and think about
5 how to use our athletic facilities a little
6 more broadly.

7 So what this case does is
8 basically maintain the status quo for a year
9 permitting those two groups of additional
10 users to continue to use it, and then we will
11 come back prior to next February and come
12 forward with another plan either just to
13 continue the status quo or if we identify some
14 additional users we think ought to have some
15 access or would like to have some access, we
16 would make that case before you then.

17 I would ask Ms. Cora just to give
18 a few minutes of testimony and then we'll be
19 complete.

20 MS. CORA: Thank you.

21 Good evening Chairman Hood and
22 members of the Commission. My name is Susi

1 Cora. I'm Director of Campus Planning for the
2 GW Division of Operations.

3 The Lerner Health and Wellness
4 Center is located on 23rd and G and membership
5 includes current George Washington University
6 faculty, staff, and students. In addition, GW
7 also accommodates up to a maximum 300
8 additional Lerner Center users.

9 This group is comprised of
10 approximately 100 GW alumni who live in the
11 immediate neighborhood, four members of the GW
12 Board of Trustees, approximately 25 residents
13 of St. Mary's Court, 15 from St. Mary's
14 Church, and 10 from the Remington.

15 In addition, the Lerner Center
16 accommodates approximately 375 students per
17 week from the School Without Walls. These
18 additional guests have access to a wide
19 variety of fitness and sport activities and
20 use of the Lerner Center as managed by the GW
21 Athletic Department.

22 This year GW Athletics undertook a

1 study of their facilities in Foggy Bottom and
2 the Mount Vernon campus to better understand
3 current trends in athletic programs and
4 evaluate current facilities.

5 With that information, athletics
6 will continue to evaluate upgrades to their
7 facilities and will continue to offer these
8 important community benefits. Thank you.

9 MR. BARBER: Finally, again, there
10 has been no objection to these users. The ANC
11 supports this request. In fact, they would
12 like to have a discussion about having some
13 additional of their members being able to use
14 it. We will consider that during this year
15 and come back to you perhaps with a modified
16 request prior to next February. Thank you.

17 CHAIRMAN HOOD: Thank you, Ms.
18 Cora and Mr. Barber.

19 Any questions up here?

20 Vice Chair.

21 VICE CHAIR COHEN: Thank you, Mr.
22 Chairman.

1 Is there a user fee for these
2 facilities?

3 MS. CORA: Yes, there is a fee. I
4 believe St. Mary's Court and St. Mary's Church
5 there is not a fee but for other users there
6 is.

7 VICE CHAIR COHEN: So the School
8 Without Walls there is?

9 MS. CORA: I'm sorry. I don't
10 know.

11 MR. BARBER: No. There is no fee
12 for the School Without Walls.

13 VICE CHAIR COHEN: Are you at
14 capacity or is there room for growth? I mean,
15 what are the demands during the week versus
16 the weekend? Can you expand on that, please?

17 MS. CORA: There certainly is room
18 for growth. Certainly during academic breaks
19 and there are periods during the day when
20 students don't use the facility as actively as
21 some of the other users so there is
22 opportunity to grow there.

1 VICE CHAIR COHEN: Would you say
2 that it is heavily used on the weekends as
3 well?

4 MS. CORA: I can't answer that. I
5 understand that there are times when it is not
6 as heavily used but the actual breakdown of
7 whether that occurs on the weekend I don't
8 specifically know.

9 MR. BARBER: The data I've seen
10 that the heaviest users are during the week
11 and during the evenings; 4:00 to 8:00 during
12 the weekday. It falls off certainly during
13 the day and it falls off somewhat during the
14 weekend. It's not quite as heavily used as it
15 is during the weekday evenings.

16 CHAIRMAN HOOD: Any other
17 questions? Okay.

18 Commissioner Miller.

19 COMMISSIONER MILLER: Yes. Thank
20 you, Mr. Chairman.

21 Just to follow up on the Vice
22 Chair's question. What is the range of user

1 fees for the different users?

2 MS. CORA: For student use it's
3 included in the tuition. When I last belonged
4 to Health and Wellness it was about \$50 a
5 month.

6 CHAIRMAN HOOD: Okay. Obviously
7 when we did this sometime back, it's obviously
8 working as shown by the sign of no one here
9 because in this neighborhood if it wasn't
10 working, Mr. Barber, you'd know it.

11 MR. BARBER: We would hear about
12 it.

13 CHAIRMAN HOOD: The room would be
14 -- we would have some people here. Also the
15 ANC letter. I was glad to see that you and
16 the University is going to still have those
17 conversations with the ANC about maybe
18 expanding or however you can work that out.
19 I'm glad to see those discussions.

20 Any other questions? Okay. No
21 one is here to cross. 2A is not present but
22 they do have a letter in the file which I'll

1 be speaking of shortly.

2 Mr. Goldstein, do you have
3 anything additional add?

4 MR. GOLDSTEIN: Good evening. My
5 name is Paul Goldstein for the record with the
6 Office of Planning. I have nothing in
7 addition to my report to add. We have no
8 objection to the modification request. Thank
9 you.

10 CHAIRMAN HOOD: Okay. Mr.
11 Goldstein, also we had a DDOT report which was
12 also supportive.

13 Any questions of the Office of
14 Planning or DDOT?

15 Mr. Barber, do you have any
16 questions of the Office of Planning?

17 MR. BARBER: I do not.

18 CHAIRMAN HOOD: Okay. I don't see
19 any reports of other government agencies.
20 Advisory Neighborhood Commission 2A they have
21 a letter which is our Exhibit 6 which says
22 that they support and "hereby approves the

1 University's request for a modification of the
2 condition." It goes on to talk about the
3 discussions you all are going to have over the
4 next year and that is our Exhibit No. 6.

5 Are there any organizations or
6 persons here in support? Any organizations or
7 persons here in opposition?

8 You probably don't have any
9 rebuttal. Do you have any closing?

10 MR. BARBER: We would ask for a
11 bench decision if possible. Thank you.

12 CHAIRMAN HOOD: Okay. Thank you.

13 Commissioners, I think this is
14 pretty straightforward. Any discussion?
15 Would someone like to make a motion.

16 COMMISSIONER MAY: Mr. Chairman, I
17 would move that we approve Zoning Commission
18 Case No. 02-26B, George Washington University
19 Modification to Campus Plan - Lerner Wellness
20 Center at Square 42.

21 VICE CHAIR COHEN: I'll second
22 that.

1 CHAIRMAN HOOD: It has been moved
2 and properly seconded. Any further discussion?

3 Mr. Miller.

4 COMMISSIONER MILLER: Mr.
5 Chairman, I just wanted to echo your comments
6 that I was glad to hear Mr. Barber say that
7 the ANC was open to talking about expanded use
8 of the facility by residents of that ANC.

9 I think these are -- universities
10 in particular but a lot of institutions have
11 incredible assets that ought to be made as
12 widely available to the community as possible.

13 I think it would foster good
14 neighborly relations. I think if all of them
15 were open to everybody for a fee, there might
16 not be a traffic impact.

17 Everybody would have something
18 because there are not enough of these
19 institutions around the city. I am happy to
20 hear that there are those discussions. It's
21 a great asset to be made available.

22 MR. BARBER: Thank you.

1 CHAIRMAN HOOD: I would agree.
2 Maybe we can be corporate bullies and we can
3 push that with other universities. Some
4 people just never let anything go, do they?

5 Any further discussion?

6 COMMISSIONER TURNBULL: Mr. Chair,
7 I would just like to echo Commissioner
8 Miller's comments. I think the University is
9 being very proactive and I think the year is
10 a positive step in assessing everything.

11 I think this is the first time
12 I've ever been to a GW hearing without WECA or
13 Foggy Bottom Association here. Wow, it's
14 fascinating. Good work.

15 MR. BARBER: Thank you. It's a
16 simple case.

17 CHAIRMAN HOOD: Any other comments?

18 Okay. It's been moved and
19 properly seconded. All those in favor aye.

20 COMMISSIONERS: Aye.

21 CHAIRMAN HOOD: Not hearing any
22 opposition, Ms. Schellin, would you please

1 record the vote.

2 MS. SCHELLIN: Staff would record
3 the vote five to zero to zero to approve
4 proposed action in Zoning Commission Case No.
5 02-26B. Commissioner May moving, Commissioner
6 Cohen seconding, Commissioners Hood, Turnbull,
7 and Miller in support.

8 I'm assuming this would be --
9 let's see, this was a modification to a campus
10 plan so this would be final action, sorry, not
11 proposed action. Summary order?

12 CHAIRMAN HOOD: Yes. We'll do a
13 summary order.

14 MS. SCHELLIN: Okay.

15 CHAIRMAN HOOD: Okay. Anything
16 else, Ms. Schellin?

17 MS. SCHELLIN: That's it.

18 CHAIRMAN HOOD: All right. I want
19 to thank everyone for their participation.
20 This hearing is adjourned.

21 (Whereupon, at 6:46 p.m. the
22 hearing was adjourned.)

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In the matter of: Public Hearing

Before: DCZC

Date: 04-22-13

Place: Washington, DC

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