

AGENDA ITEM	PAGE
CALL TO ORDER:	
Carol J. Mitten	.3
PRELIMINARY MATTERS	
Sharon Schellin	.5
VOTE TO DENY CITIZENS ASSOCIATION OF GEORGETOWN PARTY STATUS	.6
GEORGE WASHINGTON HOSPITAL	
Ashleigh Horne.	.7
Regina Woods.	10
OFFICE OF PLANNING REPORT	
Stephen Mordfin	16
PERSONS OR ORGANIZATIONS IN OPPOSITION TO THE APPLICATION	
Ms. Zartman	20
CLOSING STATEMENT	
Ashleigh Horne.	26
ADJOURN:	
Carol J. Mitten	28

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

6:34 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, May 5th, 2005. My name is Carol Mitten and joining me this evening are Commissioners John Parsons and Kevin Hildebrand.

The subject of this evening's hearing is Zoning Commission Case No. 05-06. This is a request by the Georgetown University for special exception relief pursuant to Sections 210 and 3104.1 of the zoning regulations for approval to permit construction of an addition to the Bles Building, I hope I said that right, to add a type of radiation treatment known as the CyberKnife.

The subject property is located at 3800 Reservoir Road, N.W., and is known as Lot 817 in Square 1321.

Notice of today's hearing was published in the D.C. Register on March 4th, 2005 and copies of the hearing announcement are available to you and are located in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3117

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and the order of procedure will be as follows.

2 First, we'll take up an preliminary
3 matters and then we'll have the presentation of the
4 Applicant's case, report by the Office of Planning,
5 report by any other Government agencies, report by the
6 Advisory Neighborhood Commission; in this case it's 2-
7 E, parties and persons in support and parties and
8 persons in opposition.

9 The following time constraints will be
10 maintained in this hearing. The Applicant will have
11 30 minutes for their presentation. Organizations will
12 have five minutes. Individuals will have three
13 minutes. The Commission intends to adhere to these
14 time limits as strictly as possible in order to hear
15 the case in a reasonable period of time. The
16 Commission reserves the right to change the time
17 limits for presentations if necessary and notes that
18 no time shall be ceded.

19 All persons appearing before the
20 Commission are to fill out two witness cards. Those
21 cards are also on the table near the door. Upon
22 coming forward to speak to the Commission, please give
23 both cards to the reporter who's sitting to our right.

24 Please be advised that this proceeding is
25 being recorded by the court reporter and is also being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 webcast live. Accordingly, we must ask you to refrain
2 from any disruptive noises or actions in the hearing
3 room. When presenting information to the Commission,
4 please turn on and speak into the microphone, first
5 stating your name and home address. When you are
6 finished speaking, please turn the microphone off so
7 that the microphone is no longer picking up sound or
8 background noise.

9 The decision of the Commission in this
10 case must be based exclusively on the public record.
11 To avoid any appearance to the contrary, the
12 Commission requests that persons present not engage
13 the members of the Commission in conversation during
14 a recess or at any other time and Mrs. Schellin will
15 be available throughout the hearing to answer any
16 procedural questions you might have.

17 I'd ask everyone to turn off all beepers
18 and cell phones at this time so as not to disrupt the
19 hearing.

20 And now we will take up any preliminary
21 matters. Mrs. Schellin?

22 MS. SCHELLIN: Yes, ma'am. We have two.
23 The first one is to let you know that we have received
24 the Affidavit of Maintenance from the Applicant. And
25 the second one, we have one request for party status

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from Citizens of Georgetown.

2 CHAIRPERSON MITTEN: Thank you. We have
3 a submission from the Citizens Association of
4 Georgetown. It was clocked in on the 3rd, which does
5 not meet the filing requirement and they have asked us
6 to waive the rule regarding the timing of the request
7 and I think there's an issue about the timing, but
8 there's also an issue about the fact that the
9 application does not even address the issues that one
10 is intended to address in the party status request.

11 So, I would move that we deny the request
12 from the Citizens Association of Georgetown in this
13 case.

14 COMMISSIONER PARSONS: I would second
15 that, Madam Chairman.

16 CHAIRPERSON MITTEN: All right. Is there
17 any discussion?

18 (No audible response.)

19 CHAIRPERSON MITTEN: All those in favor,
20 please say "aye." Aye.

21 COMMISSIONER PARSONS: Aye.

22 COMMISSIONER HILDEBRAND: Aye.

23 CHAIRPERSON MITTEN: None opposed, Mrs.
24 Schellin.

25 MRS. SCHELLIN: Staff would record the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 vote 3 to 0 to 2 to deny party status to the Citizens
2 Association of Georgetown. Commissioner Mitten
3 moving, Commissioner Parsons seconding, Commissioner
4 Hildebrand in favor, Commissioners Hood and Jeffries
5 not present, not voting.

6 CHAIRPERSON MITTEN: Thank you. Now I'd
7 ask all those who plan to testify this evening to rise
8 now to take the oath and Mrs. Schellin will administer
9 the oath.

10 (The witnesses were sworn.)

11 CHAIRPERSON MITTEN: Thank you. Whenever
12 you're ready and whoever's going to go first.

13 MS. HORNE: Good evening, members of the
14 Commission. My name is Ashleigh Horne. I'm with the
15 law firm of Pillsbury, Winthrop, Shaw, Pittman located
16 at 2300 N Street, N.W. here in Washington, D.C. and I
17 represent Georgetown University Hospital, the
18 Applicant in this case.

19 Before we get started, I would like to
20 submit Paul Torp as an expert in architecture and I
21 have his résumé here.

22 CHAIRPERSON MITTEN: Is there any
23 objection to accepting Mr. Torp as an expert in
24 architecture?

25 COMMISSIONER HILDEBRAND: Madam Chair, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have no objection.

2 CHAIRPERSON MITTEN: All right. Thank
3 you.

4 MS. HORNE: The hospital is here tonight
5 pursuant to Section 210 of the zoning regulations to
6 request approval to construct a 1,200 square foot
7 addition to the first floor of the hospital's Bles
8 Building. This addition will be used to house radio-
9 surgery equipment known as a CyberKnife which provides
10 a revolutionary type of radiation treatment for
11 cancer.

12 The hospital currently has one CyberKnife
13 facility, which is only one of three on the East Coast
14 and six in the country. Demand for this treatment is
15 increasing and has resulted in a need for the hospital
16 to add an additional CyberKnife facility.

17 As you're aware, Georgetown's 2000 campus
18 plan, as initially approved by the BZA has been
19 vacated and remanded by the Court of Appeals in
20 December of 2003. Because the order was vacated, none
21 of the conditions that were contained in the prior
22 order are in effect at this time. Even those that
23 were not specifically addressed by the court.

24 The BZA decided not to hold further public
25 hearings on the remand, but the Board asked the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 parties to submit written materials which were
2 submitted on August 2nd of last year. The BZA
3 approved the campus plan during its public meeting of
4 April 5th, 2005.

5 We do understand that the BZA order needs
6 to be issued before the Commission can issue an order
7 on this case. We had hoped that the order would be
8 issued before today, but unfortunately has not. But
9 at this time we do have a campus plan which was
10 approved by the BZA on April 5th.

11 The Bles Building has been designated for
12 medical center use in the campus plan and that has not
13 changed. This addition will not change the approved
14 use under the campus plan. It's a very minor addition
15 of only 1,200 square feet and it will provide a much
16 needed benefit for the District, and it will have
17 little or no impact on the community. This addition
18 will not affect the traffic or number of students, it
19 will not create noise or other objectionable
20 conditions and there will be no additional staff.

21 The Citizens Association of Georgetown has
22 brought up some issues in its May 2nd filing, but they
23 all relate to the campus plan as considered on remand
24 by the BZA and they are those conditions that they
25 would liked to see in the BZA order on April 5th, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 which the BZA did not include. We feel the
2 appropriate venue for addressing those concerns would
3 be the BZA in the remand case and not in this venue.
4 Their concerns, none of them relate to the CyberKnife
5 addition. They don't relate to its use or its impact
6 that it might have on the community.

7 And now we would like to proceed with the
8 testimony.

9 First we have Regina Woods who's here on
10 behalf of the hospital. And we also have available
11 Paul Torp from Architection. He's the architect for
12 the addition and he available to answer any questions
13 that you might have about the addition.

14 Regina?

15 MS. WOODS: Good evening. I am Regina
16 Knox Woods, Vice-president for Government Affairs at
17 Georgetown University Hospital which is located at
18 3800 Reservoir Road, N.W.

19 I am here today to request special
20 exception approval for the further processing of an
21 approved campus development plan for the construction
22 of a modest addition to the first floor of the Bles
23 Building of the hospital.

24 You did pronounce it correctly.

25 The proposed addition will house a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 revolutionary and potentially life saving treatment
2 system known as a CyberKnife which provides life
3 saving treatment for cancer of the liver, pancreas,
4 lung, prostate and other cancers. Without this
5 treatment, many tumors would be inoperable.
6 Unfortunately, we currently have a waiting list of
7 patients who are seeking treatment for their
8 disorders. In order to treat these patients in a
9 timely manner, thereby alleviating their pain and
10 suffering, we need this CyberKnife facility to be
11 operational by the end of this year.

12 We have been informed that if the
13 construction begins in June 2005 the project will be
14 completed by the end of this year. As you are aware,
15 we cannot file for permits without this approval and
16 without an approval for permits, we cannot go before
17 the Commission for Fine Arts for final approval. We
18 are therefore requesting a decision from you this
19 evening, as well as an expedited order.

20 Let me now tell you a bit about what the
21 CyberKnife does and how it works.

22 This innovative technology delivers
23 concentrated and accurate beams of radiation to
24 intracranial and extra-cranial targets, many of which
25 are inoperable non-evasively. The robotic arm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 attached to a miniature linear accelerator delivers
2 concentrated beams of radiation to the targeted tumor
3 from multiple positions and angles. This robotic arm
4 is highly flexible allowing access to tumors in
5 difficult to reach locations for patients with such
6 conditions as spine cancer and spinal cord tumors,
7 malignant tumors, benign tumors, arterial, venous
8 malformations and other functional disorders. Because
9 the treatment is non-invasive, it is painless, has
10 significantly fewer complications than traditional
11 open surgery, can often achieve comparable or better
12 results and has no recovery period following
13 treatment, all of which are clear benefits for the
14 patient.

15 Georgetown University Hospital is proud to
16 have been the first hospital in the United States and
17 the only one in the Metropolitan Washington area, one
18 of three on the East Coast, to offer the CyberKnife
19 treatment to patients. At this time, the hospital has
20 one CyberKnife facility in operation. Because of its
21 success, there is great demand for its use and
22 patients must endure an increasing waiting period for
23 treatment. So that we may accommodate the increasing
24 numbers of patients who are urgently seeking
25 treatment, the hospital is requesting this special

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 exception to add a second CyberKnife facility for
2 treatment of these patients reducing their waiting
3 period and getting them the care they need as quickly
4 as possible.

5 In December 2004, we received approval
6 from the State Health Planning and Development Agency
7 to purchase the robotic system. We subsequently
8 received concept approval from the Fine Arts
9 Commission and enthusiastic approval from the
10 Georgetown community at its March ANC 2-E meeting for
11 construction of the facility that will house the
12 CyberKnife and vault. We are also pleased to have the
13 complete support of the university for this project.

14 The construction is necessary because the
15 equipment is too heavy to be supported by the existing
16 structure of the building and the building does not
17 currently provide enough interior space to accommodate
18 the equipment, nor allow for the high dose of
19 radiation it will generate. We propose to build a
20 modest 1,200 square foot addition to the Bles Building
21 that will extend no farther than the pedestrian foot
22 path currently in place.

23 The proposed addition is very minor. It
24 involves the renovation of approximately 2,400 square
25 feet interior to the hospital and the addition of only

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 approximately 1,200 square feet. This small addition
2 will have no adverse effect on surrounding properties.
3 It will not cause objectionable impacts because of
4 noise, traffic, number of students or other
5 objectionable conditions. The hospital provides
6 parking on site and the CyberKnife addition will not
7 generate a need for additional parking. No additional
8 staff will be required for this expansion.

9 Georgetown is not proposing any changes to
10 existing campus uses or the campus boundaries. The
11 addition will not cause an increase in student
12 enrollment nor the hiring of new staff.

13 The addition is within the zoning
14 parameters for the campus. The overall floor-area
15 ratio for the university is 1.13, which is well below
16 the 1.8 floor-area ratio permitted under the zoning
17 regulations. Again, the addition will add only 1,200
18 square feet to the campus. This will have a
19 negligible effect on the overall floor-area ratio for
20 the campus.

21 As previously stated, the Commission of
22 Fine Arts reviewed the proposed addition in November
23 and had no objection to the concept design. We would
24 like to have a final permit review, as I previously
25 stated at the Commission of Fine Arts May meeting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Their review in May will allow us to complete
2 construction by the end of the year so that patients
3 on that waiting list will have access to treatment.
4 Again, please bear in mind that the construction
5 process alone could take up to six months and again
6 that means we are seeking your approval by May 15th,
7 2005 in order to be able to submit permit documents in
8 a timely manner.

9 Thank you for your time this evening.

10 CHAIRPERSON MITTEN: Thank you. Do you
11 want to go ahead with Mr. Torp and we'll ask questions
12 at the end?

13 MS. HORNE: We were just going to have him
14 available for questions.

15 CHAIRPERSON MITTEN: Okay.

16 MS. HORNE: If you had any questions about
17 the facility itself.

18 CHAIRPERSON MITTEN: Okay. Is that it
19 then for your presentation?

20 MS. HORNE: Yes, that's it.

21 CHAIRPERSON MITTEN: Okay. That's what we
22 like to hear.

23 All right. Any questions from the
24 Commission? Any questions?

25 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Is there anyone here
2 from ANC 2-E?

3 (No audible response.)

4 CHAIRPERSON MITTEN: Okay. Thank you very
5 much. Now we'll turn to Mr. Mordfin for the Office of
6 Planning report.

7 MR. MORDFIN: Good evening, Chair and
8 members of the Commission. I'm Stephen Mordfin with
9 the Office of Planning. And the subject application
10 is in conformance with the provisions of Section 210
11 of the zoning regulations because the proposed use is
12 for a university hospital in our resident district.
13 The proposed addition is to house mechanical equipment
14 only and is not likely to become objectionable to
15 neighboring property. The proposed addition will have
16 only a minor effect on the existing 1.13 FAR, less
17 than the maximum 1.8 permitted. The proposed addition
18 is to house a medical and health care facility
19 consistent with the campus plan. No interim use of
20 off-campus land is proposed. No major new buildings
21 are proposed to be moved off campus and the subject
22 application is consistent with the policies of the
23 Comprehensive Plan.

24 The 2000-2010 Georgetown University campus
25 plan was approved by the BZA on April 5th, 2005,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 however, the final campus plan order on listed
2 conditions has not yet been published. Therefore,
3 although the Office of Planning has no issues with the
4 application, OP cannot make a final recommendation
5 pending the publication of those conditions.

6 And that concludes the Office of
7 Planning's presentation.

8 CHAIRPERSON MITTEN: Thank you. I take
9 your point about the fact that the order hasn't been
10 written, but was someone from the Office of Planning
11 present at the BZA vote and are you aware of at least
12 what conditions are likely to be in the order?

13 MR. MORDFIN: I am aware generally of what
14 -- I watched it, I have a copy of the transcript, but
15 until they've actually finalized it, that was the
16 reason for the caution in the report. I didn't see
17 anything in there was going to preclude this building
18 addition from being permitted.

19 CHAIRPERSON MITTEN: Okay. So based on
20 your understanding of where the BZA is at and given
21 that it's not final until the order is written, the
22 Office of Planning doesn't have any issues?

23 MR. MORDFIN: That is correct. There are
24 no issues.

25 CHAIRPERSON MITTEN: Okay. Okay. Thank

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you.

2 Does anyone have questions for Mr.
3 Mordfin? Any questions, Ms. Horne? Any questions?

4 COMMISSIONER HILDEBRAND: Madam Chair,
5 could I ask the Applicant to indulge me just one
6 moment for a question? It deals with the
7 architecture.

8 I notice on your plans you haven't
9 identified the building materials of the exterior
10 facade. Could you speak just briefly about what
11 you're proposing?

12 MR. TORP: Do I need to state my name
13 again?

14 CHAIRPERSON MITTEN: It wouldn't hurt.

15 MR. TORP: I'm Paul Torp, architect with
16 Architection. Building materials which were presented
17 preliminarily to the Old Georgetown Board are a
18 combination of brick veneer and cast in place
19 architectural concrete that matches the Bles Building.
20 There is also on the first floor facing the interior
21 of the hospital a section of mechanical louvers
22 because there will be mechanical systems below the
23 vault itself.

24 COMMISSIONER HILDEBRAND: So you will be
25 matching the existing materials to the Bles Building?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. TORP: Yes.

2 COMMISSIONER HILDEBRAND: Thank you. That
3 was my only question.

4 MR. TORP: Okay.

5 CHAIRPERSON MITTEN: Thank you. I don't
6 know that we have any other formal reports of other
7 Government agencies and I know that comments were
8 solicited from other agencies and they had none. And
9 again, I'll just ask is there anyone here from ANC
10 2-E?

11 (No audible response.)

12 CHAIRPERSON MITTEN: Okay. We have their
13 report in the record indicating their support and it
14 meets the requirement for great weight. It is Exhibit
15 -- mine doesn't have an exhibit number on it. So
16 anyway, it's in the record.

17 I'd ask anyone who would like to testify
18 in support to come forward now.

19 (No audible response.)

20 CHAIRPERSON MITTEN: All right. Then
21 anyone who would like to testify in opposition?

22 Would you give those cards to the reporter
23 before you start? Sorry.

24 And I'll just say that while we've been
25 advised it's the legal position of the Applicant and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we've been advised by Office of the Attorney General
2 that the old order is not in effect, I'm going to give
3 you latitude to spend your five minutes as you see
4 fit, Mrs. Zartman.

5 MS. ZARTMAN: Thank you kindly.

6 CHAIRPERSON MITTEN: Would you turn on
7 your microphone for us?

8 MS. ZARTMAN: The Citizens Association of
9 Georgetown is troubled by the interest as where we sit
10 now in which you're being asked to review a second
11 stage application without a structure of a campus
12 plan.

13 We had sought to clarify the procedures
14 that would govern this evening's discussion with an
15 understanding that we have no objection to the
16 CyberKnife facility itself. We are concerned that the
17 traditional protection in second stage review, a
18 series of conditions in a campus plan order for which
19 the Applicant has to demonstrate substantial
20 compliance are absent in this. We believe that
21 creates a nullity in the campus plan regulatory
22 structure. We are deeply troubled by that. We would
23 have thought the rational position would have been to
24 take the conditions objected to neither by the Court
25 of Appeals nor by the Applicant, Georgetown

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 University, and use those as measures to evaluate this
2 proposal. Rather, we appear to be bowing to a not yet
3 final order from the Board of Zoning Adjustment that
4 basically guts the campus plan regulatory structure.
5 It offers absolutely no protection to the community.
6 It offers the university total freedom to establish
7 its own level of enrollment. It eliminates the
8 concerns this Commission established in its last
9 second stage review of the Performing Arts Center,
10 rejecting the concept of averaging and asking for real
11 numbers.

12 The Board of Zoning Adjustment chose to
13 establish a different scheme, a different regimen for
14 reviewing campus plans, eliminating all conditions
15 that otherwise are covered by District law or
16 regulation and including the barest, I mean, Daniel
17 Glass elements of conditions in a campus plan order.
18 We believe this puts the community at tremendous
19 disadvantage.

20 We cannot measure in any way compliance.
21 This evening's procedure doesn't require the filing of
22 the documents that previously were required in second
23 stage reviews, numbers of students, the formal by
24 which you came to that compliance with a variety of
25 standards that used to be part of the campus plan

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 order and those have been struck by the BZA. We had
2 hoped that the Zoning Commission would have wished to
3 establish at least affirmation of the standard it
4 itself established in earlier campus plan review,
5 second stage reviews. I cannot tell you the
6 consequences of the position taken by the BZA. That
7 process will unfold on its own.

8 I am sorry that tonight we are not
9 reviewing this very worthy application in terms of the
10 standard campus plan regimen. Has the university
11 complied with the agreed upon standards of the campus
12 plan order, as I say, including those not challenged
13 by the court, not challenged by the university itself?
14 We are here dealing with a campus plan order that has
15 nothing more in it than, "Gee, that enrollment number
16 makes sense to the university. It's good enough for
17 us. The formulation by which they arrived at the
18 number seems to satisfy them. It's good enough for
19 us."

20 None of the members of the Board of Zoning
21 Adjustment participated in the review of the campus
22 plan or obviously any of the secondary approvals.
23 They read a record that apparently didn't reach them
24 in any important way. There was humor around the
25 issue of a condition dealing with helicopter flights.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You may recall that one of the issues when MedStar
2 bought the Georgetown Hospital was the concern that
3 they would be transferring their shock trauma patients
4 from Washington Hospital Center to Reservoir Road.
5 There was a concern that there would be a desire to
6 use that helicopter facility for other kinds of
7 transportation. In fact, the hospital has reported to
8 us they had been requested during the inaugural to use
9 that helipad for transfer of VIPs to Georgetown.

10 That was not an unreasonable element to
11 ask the hospital to report on the frequency with which
12 the facility was used. The BZA not only laughed at
13 that, but one of the BZA members said, "I want to
14 hammer this condition out of the order." No
15 comprehension, no understanding.

16 The Performing Arts Center. The community
17 sought a standard that would say, "You can't hold rock
18 concerts" --

19 CHAIRPERSON MITTEN: You need to close it
20 out now.

21 MS. ZARTMAN: Our hope is that there is
22 some way in which you will wish to intervene either by
23 a sua sponte review in order to protect the standards
24 you yourselves have established, the origination of a
25 emergency rule making case that will protect not us,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but the overall community from literally no standards
2 for campus plan review. There has to be something
3 beyond what we are now looking at.

4 CHAIRPERSON MITTEN: Thank you. Any
5 questions for Mrs. Zartman?

6 MS. ZARTMAN: Oh, I wish to submit, one of
7 the issues was the campus plan included this standard
8 of student conduct and the fact that it existed was
9 part of the submission demonstrated the university was
10 fixing the problems in the community. I'd like to put
11 in the record, these are communications with the
12 Citizens Association of West Georgetowners, just West
13 Georgetown, difficulties with students that have not
14 at all been alleviated by a student code of conduct or
15 the Alliance for Local Living, or --

16 CHAIRPERSON MITTEN: Okay.

17 MS. ZARTMAN: -- other acronyms that
18 exist.

19 CHAIRPERSON MITTEN: You're free to submit
20 that to the record. Thank you.

21 Any questions for Mrs. Zartman?

22 COMMISSIONER PARSONS: No questions.

23 CHAIRPERSON MITTEN: Any questions?

24 COMMISSIONER HILDEBRAND: Are you aware
25 that all the conditions from the campus plan have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 struck? Is that your statement?

2 MS. ZARTMAN: I can tell you which have
3 been struck.

4 COMMISSIONER HILDEBRAND: Well, I don't
5 need to know specifically. You made a statement that
6 all of the conditions had been struck. Is that true?
7 That there are no conditions associated with the
8 campus plan?

9 MS. ZARTMAN: There are some conditions.
10 The date of the campus plan is retained. The BZA took
11 the position that anything that is covered by other
12 District law should not have to be conditioned in the
13 campus plan, that even such things a student behavior
14 should be covered by the inclusion in the campus plan
15 document of a code of student conduct, that the very
16 standard we're talking about now, compliance with
17 conditions of an order, should be struck.

18 This is fundamental to the way in which
19 this regimen has worked and I literally can -- they
20 could not understand why there was a control on the
21 Performing Arts Center. As I say, the desire was to
22 keep rock concerts from being held on campus. They
23 could not understand what a revenue generating event
24 was.

25 COMMISSIONER HILDEBRAND: I think you've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 answered my questioned. Thank you very much.

2 CHAIRPERSON MITTEN: Anybody else?

3 Ms. Horne, any questions on cross examination?

4 MS. HORNE: No questions. Thank you.

5 CHAIRPERSON MITTEN: Okay. Thank you,
6 Mrs. Zartman.

7 Anyone else who would like to testify in
8 opposition?

9 (No audible response.)

10 CHAIRPERSON MITTEN: Okay. Did you want
11 to close out with anything?

12 MS. HORNE: Yes. We would just like to
13 note that the ANC has indicated that it
14 enthusiastically supports this addition and we have
15 received concept approval from the Commission of Fine
16 Arts. This addition satisfies Section 210 and it will
17 have very little effect on the community.

18 We think that by waiting until the BZA
19 remand order is issued the Citizens Association of
20 Georgetown's procedural concerns can be addressed that
21 way. The CyberKnife will comply with that order.

22 And also, because this application
23 involves the hospital's ability to provide lifesaving
24 treatment to cancer patients, we would request that
25 the Commission decide this application tonight.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 However, if the Commission feels that that
2 is not appropriate, we would like to request the
3 Commission expedite its consideration of this case.
4 And thank you very much.

5 CHAIRPERSON MITTEN: Thank you. Just as
6 I opened up with the fact that we've been advised, as
7 you asserted, that there is no campus plan in place
8 and without a campus plan in place, we can't decide
9 this case. So we are going to have to wait for the
10 order. I would just encourage you to try and get the
11 BZA to expedite the issuance of the order and we will
12 take this up as soon as we can after the order is
13 final. And I guess that's the most I can promise you.

14 We have hearings almost every Monday and
15 Thursday in May, so we can have a special public
16 meeting to take it up when it's timely. And we only
17 have a single vote since this is under BZA rules, so
18 that will help to expedite things as well.

19 So as I said, I think it's likely that
20 we'll take this up at a special public meeting. So if
21 anyone's interested in finding out when that is and
22 following the case, please contact Mrs. Schellin in
23 the Office of Zoning and then we'll look forward to
24 making a decision on this and I thank you all for your
25 time this evening.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We're adjourned.

2 (The hearing was adjourned at 7:05 p.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25