

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

GEORGETOWN UNIVERSITY --
CONSTRUCTION OF NEW BUSINESS
SCHOOL AND RENOVATION OF
FORMER HARBIN FIELD INTO
MULTI-SPORTS FACILITY

CASE NO. 05-31

Monday,
November 28, 2005

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

The Public Hearing of Case No. 04-25 by
the District of Columbia Zoning Commission convened
at 6:30 p.m. in the Office of Zoning Hearing Room at
441 4th Street, Northwest, Washington, D.C., Anthony
J. Hood, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice-Chairperson
MICHAEL TURNBULL	Commissioner (AOC)
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Acting Secretary

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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN

This transcript constitutes the minutes
from the public hearing held on November 28, 2005.

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

6:35 p.m.

VICE-CHAIRPERSON HOOD: Going right into our next case, Zoning Commission Case No. 05-31.

Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission of the District of Columbia, for Monday, November 28, 2005.

My name is Anthony J. Hood, and joining me this evening are Commissioners Turnbull, Parsons and Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 05-31. This is a request by Georgetown University for special exception relief, pursuant to 210 and 3104.1 of the Zoning Regulations, 11 DCMR, July, 1995, as amended, for approval of the further processing of an approved campus development plan to permit the construction of the MacDonough School of Business facility and the renovation of the Harbin Field into a multi-sports facility. Both of these projects are located in the mid-campus portion of Georgetown Campus, Lot 1, Square 1321.

Notice of today's hearing was published in the D.C. Register on October 7, 2005. Copies of today's hearing announcement are available to you and are located to my left in the wall bin near the door.

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1 The hearing will be conducted in
2 accordance with provisions of 11 DCMR, 3117. The
3 order of procedure will be as follows: preliminary
4 matters, Applicant's Case, Report of the Office of
5 Planning, Report of Other Government Agencies, Report
6 of Advisory Neighborhood Commission 2E, Organizations
7 and Persons in Support, Organizations and Persons in
8 Opposition.

9 The following time constraints will be
10 maintained in this meeting: the Applicant 60 minutes,
11 organizations five minutes, individuals three minutes.

12 The Commission intends to adhere to the
13 time limits as strictly as possible, in order to hear
14 the case in a reasonable period of time. The
15 Commission reserves the right to change the time
16 limits for presentations if necessary, and notes that
17 no time shall be ceded.

18 All persons appearing before the
19 Commission are to fill out two witness cards. These
20 cards are located to my left on the table near the
21 door. Upon coming forward to speak to the Commission,
22 please give both cards to the reporter sitting to my
23 right.

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

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1 live. Are we doing a webcast? We are not doing that.
2 Okay, so we are not doing that, so you won't be seeing
3 it on the webcast.

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

12 The decision of the Commission in this
13 case must be based exclusively on the public record.
14 To avoid any appearance to the contrary, the
15 Commission requests that the persons not engage
16 members of the Commission in conversation during any
17 recess or at any time.

18 The staff will be available throughout the
19 hearing to discuss procedural questions.

20 Please turn off all beepers and cell
21 phones at this time, so as not to disrupt these
22 proceedings.

23 At this time, the Commission will consider
24 any preliminary matters. First, does the Staff have
25 any preliminary matters?

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1 ACTING SECRETARY SCHELLIN: Just to advise
2 that the Applicant has filed the Affidavit of
3 Maintenance, and it does meet the requirements of the
4 Regulation.

5 VICE-CHAIRPERSON HOOD: Okay, thank you.

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

8 Ms. Schellin, would you administer the
9 oath?

10 (Whereupon, the witnesses were sworn for
11 Zoning.)

12 VICE-CHAIRPERSON HOOD: Let me just put on
13 the record, we may be expecting to be joined by our
14 Chair, Chair Mitten, so I just wanted to put that on
15 the record just in case she comes in.

16 You may be seated.

17 MS. DWYER: Good evening, Mr. Hood, and
18 members of the Commission.

19 For the record, my name is Maureen Dwyer,
20 with the law firm of Pilsbury, Winthrop, Shaw,
21 Pittman, and with me is Christine Roddie, an associate
22 with our firm. We are pleased to be here tonight to
23 present this application on behalf of Georgetown
24 University.

25 As indicated, it is an application for a

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1 further processing for two projects located on the
2 interior of the campus. Both of these projects were
3 identified in the 2000 to 2010 campus plan. There are
4 no variances requested, and the requested special
5 exception relief fully meets the requirements of the
6 Zoning Regulations.

7 We are pleased to be here tonight with the
8 support of the Office of Planning and the D.C.
9 Department of Transportation. We are also pleased to
10 have the support of Advisory Neighborhood Commission
11 2E, and letters of support from the Burleith Citizens
12 Association and the Hillandale Homeowners Association.

13 We had planned a presentation of
14 approximately 45 minutes with three witnesses, and I
15 wanted to ask whether the Commission would like us to
16 go ahead with that direct testimony, or would like us
17 to submit on the record, we would do it either way,
18 whatever is of interest to you.

19 The three witnesses consist of Alan
20 Brangman, Linda Greenan, and the Traffic Consultant,
21 Lou Slade, and as I said the total amount of direct
22 testimony would be about 45 minutes.

23 VICE-CHAIRPERSON HOOD: Ms. Dwyer, I know
24 that we have the original materials, if you could just
25 stand -- let me ask this first, though, have you

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1 presented -- you all have presented to the ANC, so the
2 public has had an opportunity to hear what we read.

3 MS. DWYER: Absolutely.

4 VICE-CHAIRPERSON HOOD: Okay, so with that,
5 unless my colleagues object, I would just as soon that
6 they stand on the record. I would like to hear some
7 of the comments from -- some of the letters and
8 submissions we got, as opposed to just rehashing the
9 testimony, which we've already read thoroughly. And,
10 I think it was very well put together, and also from
11 the Office of Planning.

12 So, in that case, if we could just stand
13 on the record, we'll go from there.

14 Colleagues, do you have any questions?

15 Okay.

16 MS. DWYER: All right, that will be great,
17 thank you.

18 VICE-CHAIRPERSON HOOD: All right, thank
19 you.

20 Okay, now let's go to the -- I'm sorry, is
21 anyone representing ANC 2E? Is it 2E, Ms. Schellin?

22 ACTING SECRETARY SCHELLIN: 2E.

23 VICE-CHAIRPERSON HOOD: 2E, anyone
24 representing ANC 2E?

25 Seeing none, let's go to the Office of

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1 Planning.

2 MR. MORDFIN: Good evening, I'm Stephen
3 Mordfin, with the Office of Planning, and this
4 application is in conformance with the provisions of
5 Section 210 of the Zoning Regulations, in that the
6 application is to permit the construction of
7 University buildings on the main campus of Georgetown
8 University, within a residential zone district. The
9 proposal is not likely to become objectionable to
10 neighboring properties, and proposes only to replace
11 Harbin Field with a multi-sports facility, subject to
12 the same scheduling restrictions, and to consolidate
13 the activities of the business school into one
14 building.

15 The maximum FAR will increase from 1.13 to
16 1.17, less than the maximum 1.8 permitted.

17 The MacDonough School of Business is
18 located in an area recommended for academic
19 administrative use, and the multi-sports facility is
20 located within an area recommended for athletic use,
21 consistent with the application.

22 No interim use of land off campus is
23 proposed. No major new buildings are proposed to be
24 moved off campus. The application is consistent with
25 the provisions of the Comprehensive Plan, and DDOT

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1 does not object to the application.

2 Therefore, the Office of Planning
3 concludes that the subject application is in
4 conformance with Section 210 of the Zoning Reg,
5 subject to the following condition: and that is that
6 all athletic events at the multi-sports facility
7 expected to draw over 100 visitors shall begin before
8 4:00 p.m. or after 7:00 p.m.

9 That concludes the presentation by the
10 Office of Planning.

11 VICE-CHAIRPERSON HOOD: Thank you, Mr.
12 Mordfin.

13 Colleagues, any questions of the Office of
14 Planning?

15 COMMISSIONER PARSONS: I just wanted a
16 little clarification or background as to why you came
17 to the 4:00 and 7:00 time frame.

18 MR. MORDFIN: That is the same condition
19 that was imposed on Harbin Field, and it's the same
20 type use. So, I just mimicked that condition for the
21 multi-sports facility.

22 COMMISSIONER PARSONS: Okay, thank you.

23 VICE-CHAIRPERSON HOOD: Any other
24 questions?

25 Thank you.

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1 COMMISSIONER JEFFRIES: But still, even
2 from Harbin Field, I mean, what was the driver, I
3 mean, in terms of that window?

4 MR. MORDFIN: Oh, what was the driver of
5 that window?

6 COMMISSIONER JEFFRIES: Yes.

7 MR. MORDFIN: I think the driver of that
8 window was that it should -- things would start after
9 7:00 p.m., would be after rush hour, or they would
10 start before rush hour at 4:00 p.m., so that it would
11 not coincide with the heavy traffic during the evening
12 rush.

13 VICE-CHAIRPERSON HOOD: Okay, any other
14 questions?

15 Okay. Ms. Dwyer, do you have any
16 questions of the Office of Planning?

17 MS. DWYER: I have none, and we do agree
18 with that condition.

19 VICE-CHAIRPERSON HOOD: Okay.

20 Again, anyone here from ANC 2E? Seeing
21 none.

22 Okay, Mr. Mordfin has already commented on
23 the Department of Transportation.

24 Comments?

25 Okay, report of advisory neighborhood

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1 commissions, do we have anyone from ANC 2E? Seeing
2 none, they have a submittal dated October 7, 2005, in
3 which they have unanimously took a vote and voted in
4 support of the project, also with the same conditions.
5 So, they are well aware, and it says, "Whereas,
6 Georgetown University continues to abide by the
7 existing moratorium from 7:00 a.m. to 9:00 a.m., and
8 from 4:00 p.m. to 7:00 p.m." I think that's in line
9 with what's already been stated.

10 Okay, Ms. Dwyer, I'm going to ask that you
11 step back, we may have some people who may want to
12 come to the table.

13 I have one person signed up. Can I see a
14 show of hands of anybody who is going to testify,
15 whether you are in opposition or support? Okay, we
16 have one person. That goes along with my sheet.

17 ACTING SECRETARY SCHELLIN: He needs to be
18 sworn in.

19 VICE-CHAIRPERSON HOOD: Mr. Hinds?

20 MR. HINDS: Yes.

21 VICE-CHAIRPERSON HOOD: Have you been sworn
22 in?

23 MR. HINDS: No.

24 ACTING SECRETARY SCHELLIN: No.

25 VICE-CHAIRPERSON HOOD: Okay.

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1 ACTING SECRETARY SCHELLIN: Raise your
2 right hand.

3 (Whereupon, the witnesses were sworn for
4 Zoning.)

5 ACTING SECRETARY SCHELLIN: Thank you.

6 VICE-CHAIRPERSON HOOD: Mr. Hinds, come on
7 in and take a seat. I see here whether you are not a
8 proponent or opponent, so you haven't checked it, so
9 since you are the only one testifying, turn your
10 microphone on, introduce yourself, and then you can
11 let us know.

12 MR. HINDS: This is Richard Hinds,
13 representing the Citizens Association of Georgetown.
14 WE are neither an opponent, nor a proponent, of the
15 plan as submitted.

16 Basically, the Citizens Association of
17 Georgetown is a strong supporter of Georgetown
18 University, and of both of the proposals before the
19 Commission today. So, in that sense we are a
20 proponent.

21 But, we do have two concerns, which have
22 not been, we think, adequately addressed, and those
23 are traffic during construction and restrictions on
24 the use of Harbin Field for commercial use.

25 With respect to -- and I have a prepared

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1 statement which I could submit and then summarize.

2 VICE-CHAIRPERSON HOOD: That would be fine.

3 MR. HINDS: Okay, I'll submit it, but just
4 in summary, with respect to traffic, I mean, I think
5 the Commission is well aware that Georgetown is in a
6 residential neighborhood. It is immediately
7 surrounded by very narrow Georgetown streets.
8 However, it also has an excellent entrance and exit on
9 Canal Road, where heavy trucks of the kind that are
10 going to be needed for this construction project can
11 enter and exit. We would, therefore, request that
12 the Commission, as a condition of approval of the
13 Harbin Field redevelopment, and of the business
14 school, require that construction traffic use the
15 Canal Road entrance and exit.

16 We had a presentation from Georgetown, and
17 similar to what you have read, and we expressed the
18 same concern to them, that we wanted to have an
19 agreement that Canal Road would be, you know, the way
20 in and the way out for construction traffic, and we
21 did not reach agreement.

22 Our second concern is that while we think
23 that the proposed renovation and the construction of
24 the new buildings on Harbin Field will make it a much
25 better facility for the University and, therefore, we

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1 are a strong supporter, we do have a concern about the
2 University having larger-scale commercial events that
3 could create traffic gridlock on Georgetown streets,
4 create the potential for excessive noise, vandalism by
5 those attending large-scale events like rock concerts,
6 and even, potentially, violence on the streets of
7 Georgetown.

8 We think that permitting Harbin Field to
9 be used for rock concerts or other commercial
10 activities geared to the general public, rather than
11 to its students, would cause an otherwise fine
12 addition to the campus to be something that would
13 potentially cause an undue adverse effect on the
14 surrounding residential community.

15 Neither the campus plan, nor this
16 application, contains a plan to mitigate the noise,
17 traffic, policing, and other adverse impacts that
18 holding such large-scale commercial events like rock
19 concerts on Harbin Field in the evening would cause.

20 Georgetown has, therefore, in our view,
21 failed to meet its burden of establishing that its
22 proposed unrestricted use of Harbin Field, for
23 whatever events it wants to hold there, is consistent
24 with the applicable Zoning Regulations.

25 We, therefore, think the Commission should

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1 impose an appropriate limitation on such commercial
2 use as a condition of its approval of the Harbin Field
3 portion of the application.

4 Now, I'd like to point out to the
5 Commission in this connection, that the original
6 Georgetown Campus Plan, the one that was approved in
7 2000, of which this is a follow-on application,
8 contained a condition that stated, and I'll read it,
9 "The Performing Arts Center, Harbin Field, and
10 MacDonough area shall be used for purposes related to
11 the University or the community, and not for non-
12 University events whose primary purpose is revenue
13 generation." That is precisely the condition that we
14 think the Commission should impose with respect to the
15 approval of this follow-on condition.

16 The reason why we have to ask the
17 Commission to approve it is because on June 7 of this
18 year the BZA, in its wisdom, eliminated that provision
19 when it reviewed the Campus Plan on remand from the
20 Court of Appeals.

21 Before the Court of Appeals, the issue was
22 the cap in undergraduate enrollment, and some other
23 issues, no issue with this restriction.

24 Georgetown and the Citizens Association,
25 who has been an active participant in the Campus Plan

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1 proceedings, both submitted proposed conditions
2 containing this precise language, so that at least as
3 of late 2004 Georgetown and we were on the same page,
4 that the Harbin Field -- the new Harbin Field, with
5 major facility improvements, such that it could hold
6 a large quantity of people, that it would be used for
7 the University events. It would be used for sports
8 activities of the type that you would think a
9 university field would be used for.

10 However, because the BZA eliminated that
11 provision, which Georgetown -- I mean, the Citizens
12 Association of Georgetown is appealing, I might add,
13 that provision doesn't exist, and unless this
14 Commission imposes an essentially identical provision
15 Georgetown would be free to have, as I said, any kind
16 of event on this facility that it wants to have. For
17 that matter, it could have any kind of event in some
18 of these other facilities as well, such as the
19 Performing Arts Center. And, if we had it to redo, we
20 would have asked this Commission to put such a
21 restriction on the Performing Arts Center, except that
22 with the time that we testified in support, or
23 submitted testimony in support of the Performing Arts
24 Center, that condition was already in existence, that
25 was part of the landscape, and not a provision that

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1 Georgetown and CAG were disagreeing with. We both,
2 before the BZA, said this should be in the Campus
3 Plan.

4 By putting it in their submission, the
5 Georgetown University was, in essence, conceding that
6 it was an appropriate condition for the approval of
7 their Campus Plan.

8 Again, we met with the University
9 following their presentation to us, the same that you
10 have read, and we asked, now, with respect to Harbin
11 Field do we have an agreement similar to the one that
12 you used to agree to, and the answer was no, and
13 that's why we are here, traffic and commercial use of
14 the new Harbin Field facility.

15 VICE-CHAIRPERSON HOOD: Okay.

16 Mr. Hinds, thank you for your comments.
17 I know from my standpoint we'll take it under
18 advisement, but you mentioned that one of the
19 conditions was -- CAG was appealing one of the
20 conditions, the condition about the -- you all
21 appealed the restriction, who are you appealing that
22 to?

23 MR. HINDS: The Court of Appeals, the D.C.
24 Court of Appeals.

25 VICE-CHAIRPERSON HOOD: Okay, all right.

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1 MR. HINDS: So, there was a remand that
2 went back on issues unrelated to Harbin Field's use,
3 it's now going back to the Court of Appeals on a brand
4 new issue, which is the -- what we feel is arbitrary
5 and capricious elimination of an undisputed condition
6 submitted by both CAG and the University, and which
7 was part of the original order, which the Court of
8 Appeals had never addressed or cast any doubt about.
9 So, this is sort of like a brand new, from our
10 perspective, and I think actually from the
11 University's perspective, this is like a new
12 development that came out of the blue.

13 VICE-CHAIRPERSON HOOD: But, let me just
14 comment, and I'm not of legal background, but I will
15 tell you that since it's in the Court of Appeals, and
16 you are asking us to impose something that's already
17 in the Court of Appeals, I think that decision is
18 going to be made there, and I don't see where, and my
19 colleagues can chime in any time you get ready, but I
20 don't see where it would be within our jurisdiction
21 right now, since you are in the appeal process, for us
22 to impose something. That decision is of a higher
23 body than this one.

24 MR. HINDS: Well, why we are appealing it,
25 the status quo is that the restriction on use of

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1 Harbin Field has been stripped from the Campus Plan.
2 So, there are no restrictions on Harbin Field.

3 The University is now before you asking
4 for permission to build and use Harbin Field. I
5 cannot predict what will happen before the Court of
6 Appeals. It may -- it may get remanded to the BZA, it
7 could be, I mean, based on how long it took us on the
8 first appeal over the undergraduate cap, it could be
9 at the end of this Campus Plan before we get a
10 decision, ultimately, you know, on that issue from the
11 Court of Appeals, remanding to the BZA for the second
12 time, on a brand new issue.

13 So, I think in the interim, since the
14 Commission is being asked in the interim, I mean, if
15 the Commission wants to put this whole application in
16 abeyance, that would be one approach, but I think --
17 I assume the University wants to go forward now, and
18 we would support that, but we just think that this
19 condition, which is non -- is a non-controversial, or
20 at least it should be a non-controversial provision,
21 since Georgetown had previously agreed to it, should
22 be in here. At the very least, I would think the
23 Commission would want to ask Georgetown why they are
24 unwilling to agree to it now.

25 VICE-CHAIRPERSON HOOD: Okay.

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1 We will, unless my colleagues have any
2 other questions, we will take that under advisement.

3 Let me ask you, what leads you to believe
4 that they are going to have this big rock concert on
5 the field?

6 MR. HINDS: I don't believe that Georgetown
7 may currently contemplate having such activities. Our
8 concern, though, is that the restriction in their
9 Campus Plan that prohibits it is no longer there, and,
10 therefore, they could.

11 And, when we asked them to agree that they
12 wouldn't, they wouldn't agree. So, you know, you have
13 to read into that whatever you want to read. I think
14 it's -- I mean, they would prefer to have no
15 restrictions so they can do tomorrow whatever they
16 feel like doing tomorrow. Today they may not plan to
17 have rock concerts. Tomorrow there may be an issue,
18 you know, of funding, or some other financial issue,
19 that this field costs more than they thought it would,
20 let's have some commercial events to help pay for it.

21 VICE-CHAIRPERSON HOOD: Okay, all right.

22 Any other questions for Mr. Hinds?

23 I want to thank you for coming in and
24 testifying. We will take your testimony under
25 advisement.

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1 MR. HINDS: Okay, shall I submit it?

2 VICE-CHAIRPERSON HOOD: Yeah, if you have
3 it. Thank you.

4 COMMISSIONER PARSONS: Mr. Chairman, I
5 think it would be helpful if the University responded
6 to what we just heard.

7 VICE-CHAIRPERSON HOOD: Forgive me, Mr.
8 Hinds, just hold your seat.

9 Ms. Dwyer, do you have any cross
10 examination?

11 Is there anybody here yet from ANC 2E?
12 Okay.

13 All right, I'm going to ask Ms. Dwyer if
14 you can come up and maybe you can respond to some of
15 what Mr. Hinds has testified to.

16 MS. DWYER: Yes, I would be happy to.

17 Let me first clarify, Mr. Hinds raised two
18 issues. One is construction traffic, and the second
19 was use of the new facility, and said that we were not
20 in agreement on both issues. In fact, we did agree,
21 and we will agree, that construction traffic will
22 access the campus from Canal Road. So, we did reach
23 agreement on that issue, but it was a package deal and
24 we could not reach agreement on the second issue.

25 I agree with you, Mr. Hood, that the D.C.

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1 Court of Appeals has this issue before them, and if
2 Mr. Hinds felt that the University was going to go out
3 and schedule rock concerts in the interim they could
4 have requested a stay from the D.C. Court of Appeals.
5 So, they have recourse and they have options.

6 What the BZA did in striking that
7 condition is decide that it was too difficult to
8 interpret a condition, to come up with language that
9 would define revenue-generating or commercial use. If
10 there is an activity that takes place, and the
11 students are invited, but the outside public is also
12 invited, is that considered a commercial use, a
13 revenue-generating, or is that considered a University
14 use?

15 We were also concerned and explained to
16 CAG that there are opportunities that the University
17 has, for example, when the Olympic teams need a
18 training facility, and would like to have use of the
19 campus during the summer, the University leases its
20 space out for that use. Is that considered revenue-
21 generating and, therefore, prohibited by a condition,
22 or a commercial use?

23 So, like the BZA, we found it very
24 difficult to come up with language that would suffice
25 and not unduly restrict the uses.

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1 We also believe that there are sufficient
2 controls in place. The University is a tax-exempt
3 organization, it's a non-profit. It has restrictions
4 on the kinds of revenue-generating or commercial
5 activities.

6 I would point out that this facility is a
7 small facility. We are talking, you know, 4,500.
8 When you go to the larger facilities for rock concerts
9 you are talking about much greater numbers. So, there
10 really isn't a likelihood that that's going to happen.

11 The University has noise regulations in
12 place. There is no amplified sound allowed outside on
13 campus after 11:00 p.m. on weekdays, and 1:00 on
14 weekends.

15 We have parking controls. Students who
16 live on campus are not allowed to bring cars or get
17 parking permits. We have a cap on parking spaces. We
18 have a guts bus service. We have ample controls in
19 place to address parking issues and noise issues, and
20 we've also addressed the peak period by limiting the
21 timing of these events. So, in all respects we
22 believe that we have sufficient controls in place to
23 avoid disturbing the Georgetown community in any way
24 by the use of this facility, and the whole goal of
25 doing this was to provide an opportunity on the

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1 interior of the campus, well buffered from
2 neighborhood residents, to have students congregate
3 there and have activities, and stay on campus, and not
4 go out to the surrounding neighborhood.

5 So, for all those reasons, we believe that
6 the facility should be approved without the condition
7 that was suggested by CAG. We are willing to accept
8 a condition requiring that construction traffic use
9 Canal Road, and in all other respects we believe that
10 we meet the requirements and are entitled to have our
11 special exception granted.

12 VICE-CHAIRPERSON HOOD: Thank you, Ms.
13 Dwyer.

14 Let me just open it up and we can have a
15 conversation if need be. But, I will say that from
16 what I'm hearing the BZA, which I have the utmost
17 respect for and I respect the work that they do, for
18 me to come up here and sit up here and second guess
19 it, I'm not in the frame of doing that at this time,
20 because I sit on the BZA and I know how difficult it
21 can be at times while trying to balance.

22 I also understand concerns from Mr. Hinds,
23 and I'm hoping that maybe CAG and Georgetown can
24 continue to -- I'm glad to see that you resolved the
25 Canal Road issue, maybe you can continue to -- and let

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1 me ask you, I didn't see this, and I don't know if it
2 was one of the conditions, is there a liaison group
3 between the community and Georgetown?

4 MS. DWYER: Yes, there are actually several
5 groups. There is a quarterly meeting process that
6 takes place, and there's another organization called
7 ALL that has regular meetings with the community. So,
8 there are -- and Linda Greenan is the person
9 designated by the University to be the liaison between
10 the President's office and the community. So, there
11 is a lot of interaction and a lot of communication,
12 and we will continue that.

13 VICE-CHAIRPERSON HOOD: Good, so that -- if
14 that rock concert does eventually prevail itself, and
15 there's action, recourse, maybe to go and work with
16 the group -- work through the group to resolve the
17 issues.

18 MS. DWYER: Absolutely.

19 VICE-CHAIRPERSON HOOD: Okay.

20 Colleagues, are there any other questions
21 for Ms. Dwyer?

22 Okay, hearing none, thank you.

23 MS. DWYER: Thank you.

24 VICE-CHAIRPERSON HOOD: We will take
25 everything that we heard under advisement.

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1 Ms. Schellin, do we have any dates?

2 Was that your closing?

3 MS. DWYER: Well, my closing was to request
4 an expedited decision, and actually a bench decision
5 this evening, and then a summary and expedited order.
6 The University wants to proceed as quickly as possible
7 with these facilities. These are -- the only other
8 Campus Plan developments since the 2000 Campus Plan
9 was the Cyber-Knife Facility on the Medical Center
10 portion of the campus, so these two projects have been
11 in the works for a while, a lot of planning, a lot of
12 effort to get them to this point, and we very much
13 would like a decision this evening and an expedited
14 order.

15 VICE-CHAIRPERSON HOOD: Okay, thank you,
16 Ms. Dwyer.

17 Colleagues, we have a request in front of
18 us, but also taking in consideration the CAG, what is
19 it, Citizens -- Association of Georgetown. I was
20 about the say the Citizens Against Georgetown, but why
21 would they be -- okay.

22 MS. DWYER: And remember, they are a
23 proponent of many portions of this project.

24 VICE-CHAIRPERSON HOOD: Right, I
25 understand.

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1 MS. DWYER: And, they recognize the value
2 it provides.

3 VICE-CHAIRPERSON HOOD: Right, I
4 understand. I just want to make sure we -- I try to
5 balance and hear all concerns, and try to weigh them
6 heavily.

7 I was not in the act of moving forward,
8 but I think there are mechanisms for Mr. Hinds and CAG
9 to work with Georgetown. I think this is a pretty
10 straightforward request in front of us, but I would
11 open it up and hear from my other colleagues, whether
12 we want to move on it tonight or --

13 COMMISSIONER PARSONS: I think I'd like to
14 spend a little time learning more about this BZA
15 condition myself, because I think both arguments
16 tonight here are somewhat persuasive. And, if that's
17 the case with me, I'm not ready to move. I need just
18 a little more research. We may be able to take it up
19 at a forthcoming hearing and dispose of it, but that's
20 where I am.

21 VICE-CHAIRPERSON HOOD: Sounds good.

22 Mr. Jeffries, do you want to weigh in?

23 COMMISSIONER JEFFRIES: Well, I mean, I
24 guess I was on the opposite side. I thought that,
25 perhaps, I thought the comments from Georgetown were

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1 pretty persuasive. I did not feel that Mr. Hinds'
2 comments were -- had risen to the level that could
3 actually slow this down, but I certainly can go
4 forward with the Commission if you guys would like to
5 wait.

6 VICE-CHAIRPERSON HOOD: Commissioner
7 Turnbull?

8 COMMISSIONER TURNBULL: I was going to
9 agree with Mr. Jeffries. I thought that there was
10 enough safeguards in place with the University on the
11 sports facility to give safeguards to the community,
12 but if there isn't that feeling on behalf of everyone
13 else I'd delay it also.

14 But, I don't feel that uncomfortable with
15 what they've provided.

16 COMMISSIONER PARSONS: You folks are very
17 persuasive this evening, that's three to one, so I --

18 VICE-CHAIRPERSON HOOD: Well, actually --

19 COMMISSIONER JEFFRIES: I thought the Vice-
20 Chair was wanting to slow down.

21 VICE-CHAIRPERSON HOOD: Yeah, I was.

22 COMMISSIONER JEFFRIES: Yes.

23 VICE-CHAIRPERSON HOOD: I was, too, but I
24 agree with Mr. Parsons, maybe we could -- I would like
25 to understand, while I'm not in favor of undoing --

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1 believe me, undoing anything that BZA has already
2 done, I don't even know if it's within our
3 jurisdiction to appoint because it's in the Court of
4 Appeals.

5 I've been down this line before. But, so
6 we can understand.

7 COMMISSIONER JEFFRIES: But, we wouldn't be
8 undoing -- by moving forward, we wouldn't be undoing
9 anything the BZA has done.

10 VICE-CHAIRPERSON HOOD: No, no, but one of
11 the requests was, the way I understood it, was to --
12 we can't put it back in there. That was the request.

13 COMMISSIONER JEFFRIES: Well, my
14 understanding is that that wasn't really part of the
15 discussion. I mean, I know that Mr. Hinds was
16 interested in putting that in, and I thought you very
17 persuasively said that that's being covered by the
18 Board of Appeals. And so, we would really just move
19 on what has been presented before us.

20 VICE-CHAIRPERSON HOOD: Well, if somebody
21 makes a motion we can --

22 COMMISSIONER TURNBULL: I mean, I guess the
23 one thing, and I'm not sure how this would be
24 included, but it sounds like the traffic issue is
25 being addressed, the University is going to agree to

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1 that, and the issue of -- the other issue is before
2 the Zoning Appeals, I guess I'm confused as to why we
3 would --

4 COMMISSIONER PARSONS: Let's move forward
5 then. I would also point out, we do not have the
6 authority to make a condition on this application as
7 to how they will move in construction traffic.

8 VICE-CHAIRPERSON HOOD: Right, but they've
9 already agreed to do that.

10 COMMISSIONER PARSONS: Right, so I'm glad
11 they've taken care of that on a different level,
12 because we can't put that into our order.

13 VICE-CHAIRPERSON HOOD: Agree. Agree.

14 All right, well --

15 COMMISSIONER PARSONS: I move we approve
16 the application as submitted.

17 COMMISSIONER JEFFRIES: I second it.

18 VICE-CHAIRPERSON HOOD: Okay, it's been
19 moved and properly seconded.

20 Discussion? I will say that the reason
21 that I feel comfortable moving on because there are
22 many mechanisms for Mr. Hinds to work with, and those
23 liaison groups, we don't see it just here in
24 Georgetown, we see it all over the City, and it looks
25 like they've agreed on one, and I'm sure they come to

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1 some agreement on the rest.

2 Okay, so it's been moved and properly
3 seconded, all those in favor by the usual sign.

4 (Ayes.)

5 VICE-CHAIRPERSON HOOD: Any opposition?

6 So ordered. Staff, would you record the
7 vote?

8 ACTING SECRETARY SCHELLIN: Yes, staff will
9 record the vote 4:0:1, to approve final action in Case
10 No. 05-31, Commissioner Parsons moving, Commissioner
11 Jeffries seconding, Commissioners Hood and Turnbull in
12 favor, Commissioner Mitten not present, not voting.
13 And, I just want to confirm that this can be done by
14 summary order, that's what they've requested.

15 VICE-CHAIRPERSON HOOD: I thought when you
16 had somebody -- well, he wasn't in opposition, okay,
17 summary order, okay, summary order, that's fine.

18 All right, well, thank you.

19 MS. DWYER: All right, thank you.

20 VICE-CHAIRPERSON HOOD: Thank you, thank
21 everybody for their attention and participating. This
22 hearing is adjourned.

23 (Whereupon, the above-entitled matter was
24 concluded at 7:07 p.m.)

25

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