

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: :
   
:
   
THE GEORGE WASHINGTON (GW) : Case No.
   
UNIVERSITY - LERNER HEALTH : 02-26C
   
AND WELLNESS CENTER - :
   
MODIFICATIONS TO PERMITTED :
   
USERS OF CENTER :
   
-----:

Monday,  
July 21, 2014

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 02-26C by the District of Columbia Zoning Commission convened at 6:32 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
MARCIE COHEN, Vice Chair  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (AOC)  
PETER MAY, Commissioner (NPS)  
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic  
Preservation  
JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on July 21, 2014.

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

6:30 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia for July 21, 2014. It's approximately 6:30 p.m. We're in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull.

We're also joined by the Office of Zoning staff, Ms. Sharon Schellin; also the Office of Planning staff, Ms. Steingasser and Mr. Lawson.

This proceeding is being recorded by a court reporter. It's also webcast live. Accordingly, I must ask you to refrain from any disruptive noise or actions in the hearing room, including display of any signs or objects.

Notice of today's hearing was

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published in the *D.C. Register*, and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11 DCMR 3117 as follows: Preliminary matters; Applicant's case; Report of the Office of Planning; Report of other government agencies, if any; Report of Advisory Neighborhood Commission; organizations and persons in support; organizations or persons in opposition; rebuttal and closing by the Applicant.

The following time constraints will be maintained in this meeting. The Applicant has up to 60 minutes -- I think they requested 10 minutes; organizations, five minutes; individuals, three minutes.

All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door. Upon coming forward to speak to the Commission, please give both cards to the

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reporter sitting to my right before taking a seat at the table.

The decision of the Commission in this case must be based exclusively on the public record. And to avoid any appearance to the contrary, the Commission requests that persons present not engage the Members of the Commission in conversation during any recess or at any time.

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

Would all individuals wishing to testify please rise to take the oath?

Ms. Schellin, would you please administer the oath?

(Whereupon, all the witnesses were sworn.)

CHAIRMAN HOOD: Okay, Mr. Barber, if you want to come forward.

Let me just ask. Do we have anyone who's here in opposition to this case?

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Okay. Thank you. I just wanted to see just to kind of gauge where we were.

Okay. Good evening, Mr. Barber. Are you presenting? Times have changed.

Is your microphone on?

MR. BARBER: Ah, yes. The real green light. Thank you.

CHAIRMAN HOOD: Okay. So good evening. You may begin.

MR. BARBER: I appreciate it.

My name is Charles Barber. I'm Deputy General Counsel at George Washington University. With me today is Susi Cora, Director of Campus Planning at George Washington. David Avitabile normally assists us in presenting this case but they felt I could handle this one.

And I do have some connection. This case really dates back to 1998 when I was a younger man. But it is a straightforward case. It's as straightforward as anything that George Washington University does. But

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we don't think it presents complex issues.

It involves the use of a building, the Lerner Health and Wellness Center, 23<sup>rd</sup> and G Streets. It is the University's recreation center -- recreation facility, distinct from the Smith Center which is for intercollegiate activities a couple blocks away.

From the beginning in 1998 when we sought permission from then the BZA to construct this, the issues raised involved use and objectionable impacts in terms of traffic and parking. And there were restrictions on who could use it. And initially it was students, faculty and staff of the Foggy Bottom Campus.

We built the building, and we sought permission successfully to expand the user group on two occasions. So the first user group that we expanded include students, faculty and staff of the Mount Vernon Campus, members of our Board of Trustees, and members of the School Without Walls -- students of the

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School Without Walls who could use it under the direction of a teacher on an instruction program. And that has worked fine.

The second expanded user group were certain members of the community which we always have really wanted to include but there was concerns raised when we initially sought approval. But in the second expanded group, there were some 300 members of our immediate neighbors -- St. Mary's Church, St. Mary's Court and the Women's Center. And we wanted to allow them access because these were immediate neighbors of the facility. We had talked to them prior to construction that we thought we could allow them to use it. And so, we wanted to follow through on that commitment.

In addition to that second group, there were up to 250 members of the Foggy Bottom Alumni Association -- I'm sorry -- the GW Alumni Association who lived in Foggy Bottom. So that comprised the second group. And all of these people, of course, are located -- reside near

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the facility so there wasn't going to be a traffic and parking issue.

And so let me stop there. The initial group which was the students at Foggy, students, faculty and staff at Mount Vernon, the Board of Trustees, and the School Without Walls, plus the second group -- our immediate neighbors on St. Mary's Court, St. Mary's Church and the Remington, plus the alumni who lived in Foggy Bottom West End. Those are the groups that have been using it since 2007.

There's never been a complaint about these user groups. They've presented no objectionable impacts. They present no parking impacts, no traffic impacts. And the ANC supports our coming forward to seeking permanent approval of these user groups.

We had been given five-year approval initially. And then it was renewed. And finally, it was renewed again in 2013. But we're now seeking permanent approval for these groups because they do not present an

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objectionable impact. We have a record to demonstrate that.

The third group is the new group. We spent the last year talking to our neighbors, spent talking to the ANC. And we're proposing some additional uses of the Lerner Health and Wellness Center. And we're seeking for that group only a five-year approval under an agreement with the ANC.

So now I will turn to Susi Cora to talk about this third group -- this new group we're proposing.

MS. CORA: Thank you.

Good evening, Chairman Hood and Members of the Commission.

In April 2013 when we were last before you on this modification, we noted that the ANC 2A had requested that GW explore adding community memberships to Lerner Health and Wellness memberships.

We worked with the ANC and Lerner Health and Wellness Administration to identify

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these additional uses at the facility. As a result of this work, the ANC approved for a trial period of five years the following groups: up to 150 year-round memberships for community members residing in zip codes 20006 and 20037, with an additional 100 memberships available during the University's summer break.

The next group is athletic competitions that draw a limited number of non-GW users. Those are things like table tennis championships or squash tournaments. So they're generally people on the campus coming. And occasionally, there are other students and parents who wish to witness -- to come spectate.

The other group is periodic and short-term events that cater to the campus community, neighbors or other non-GW participants that would otherwise be on campus for mission-related purposes.

And then finally, admission for

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persons residing in GW housing facilities during the summer term.

Memberships will be managed by Lerner staff and new community members will acquire a G World Card so they may gain access to the facility.

Thank you.

MR. BARBER: Those are the groups that we're proposing. Again, two sets of groups, one we're seeking permanent approval for and one, the group that Ms. Cora just talked about, we're seeking a five-year approval for.

And we would come back in five years and hopefully demonstrate there hasn't been any objectionable impacts. And at that point, we could even seek to renew or perhaps seek permanent approval at that time.

That concludes our presentation. We're open for questions.

CHAIRMAN HOOD: Thank you, both. We appreciate your presentation.

Commissioners, any questions?

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Vice Chair Cohen?

VICE CHAIR COHEN: I just don't recall. What is the capacity of the Center?

MS. CORA: I don't know what that occupancy is. The building itself is 189,000 square feet.

VICE CHAIR COHEN: And there have been no complaints about people taking too much time and there's too many waiting lists -- nothing like that?

MS. CORA: No.

CHAIRMAN HOOD: Any other questions?

(No audible response.)

CHAIRMAN HOOD: Mr. Barber, you saw when I asked was there any opposition, a young lady raised her hand.

MR. BARBER: Yes. I just spoke with her.

CHAIRMAN HOOD: Do you know what the opposition may be about? Are you aware of it? Because I --

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MR. BARBER: I learned this evening, and I'm aware of the issue. Would you like me to address the issue?

CHAIRMAN HOOD: Sure. And she can speak for herself.

MR. BARBER: Certainly.

A very nice lady who represents St. Mary's Church.

Her issue is parking. And it's really not related to this application. GW has agreed with St. Mary's Church in a separate agreement.

When we were negotiating in terms of acquisition and building this property, we made certain agreements with St. Mary's Church about parking -- allowing them to use GW parking facilities free for church services, funeral services and the like.

And we said that we would try to place that parking in close proximity to the church. It could be in the Lerner Health and Wellness Center. But there was no commitment

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there. It could be in other locations as well. And so there's no firm commitment to use Lerner Health and Wellness Center. But this was one of the facilities we agreed to make available.

We've lived up to that commitment in terms of making parking available free. Her concern is that over the years a couple of parking garages that are in the area have closed down. We've gotten away from surface parking, gotten away from a parking facility, and are moving to spreading out, dispersing parking underneath buildings that we are now constructing. So her concern is that she would like to have continued access to the Lerner parking facility because that of course is closest to the church.

It is not a commitment that was made part of this case. I'm happy to work with her. I understand the concern. I'm not prepared to make a binding commitment on the use of this facility. But they do have older members. And I understand why they would want to be

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closer to church.

And so what I would say is the University will work in good faith not only to continue its obligation to provide free parking but to provide that free parking in as close a proximity as possible. And we would certainly consider the use of the Lerner Health and Wellness Center for this purpose. I'm not willing to make a binding commitment that it will always be the Health and Wellness Center.

That's the issue as far as I understand it.

CHAIRMAN HOOD: But if I remember correctly -- and I'm going back some years now so my memory may fail me a little bit -- but didn't the church also get some passes?

MR. BARBER: Yes.

CHAIRMAN HOOD: Yes. So they pushed hard for those if I remember.

I'm just going by my memory because I was here in 2004. I don't think I was here in -- well, I was here but I wasn't on that case

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in '98.

MR. BARBER: That's right.

CHAIRMAN HOOD: Okay.

MR. BARBER: So, yes. They were part of the second user group. And so, our immediate neighbors -- St. Mary's Court, St. Mary's Church, Remington. And they were very interested in the passes.

And some of their members have used the facility itself from time to time. And that's part of the group we want to make permanent.

The parking is separate from that.

CHAIRMAN HOOD: I understand. I understand.

Let's see if we have any other questions.

Commissioner Miller?

COMMISSIONER MILLER: Not a question. Just to address Vice Chair Cohen's question though.

You saw the -- okay -- the capacity

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in the Zoning Order -- the previous Zoning Order? Okay.

I just want to comment that I think I'm pleased that you're bringing this forward with the ANC support. I personally feel that universities and private schools and other institutions have very important assets that should benefit the surrounding community. So I'm pleased to see this come forward.

MR. BARBER: Appreciate that.

CHAIRMAN HOOD: Any other questions?

(No audible response.)

CHAIRMAN HOOD: Okay. Not seeing any, does the ANC have any cross-examination?

(No audible response.)

CHAIRMAN HOOD: Okay. Let's go to the Office of Planning report. And we have a letter for DDOT.

Ms. Steingasser?

MS. STEINGASSER: Office of Planning recommends approval. We stand on the

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record. We're happy to answer any questions.

CHAIRMAN HOOD: Thank you very much for that very thorough report. I mean, really, we did read your report. But it was very thorough, and it gave us the history of how things came to be today. So thank you very much.

Okay. Again, DDOT also has a letter of support which is our Exhibit 7.

Let's go to the report of the ANC. I'm going to ask Chairperson Kennedy. If you come forward, you can give us your presentation.

Oh, I'm sorry. Hold one second.

Does anyone have any question of the Office of Planning or DDOT? It was so quick, it threw me. Anybody have any questions?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Okay. Does the Applicant have any cross of either one?

MR. BARBER: Thank you.

CHAIRMAN HOOD: Chairman Kennedy,

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no cross?

MR. KENNEDY: No cross.

CHAIRMAN HOOD: Okay. We're ready for you now.

MR. KENNEDY: Great. Thank you very much, Chairman Hood. I'll be brief.

My name is Patrick Kennedy. I'm the Chairperson of Advisory Neighborhood Commission 2A which represents the Foggy Bottom and West End communities of Ward 2.

At our regularly scheduled meeting on April 16, 2014, our Commission voted unanimously -- and that was a six to nothing vote with one recusal -- to support the George Washington University's request for a modification to a previously approved Order in this case to permanently allow for the usage of the Lerner Health and Wellness Center by certain classes of individuals presently allowed to use the Center on a temporary basis and to allow for a period of five years the usage of the Center by several additional classes of

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individuals.

In coming to its position, the Commission does not take lightly the history of community opposition to BZA Order 16276 which authorized the construction of the Center at 2301 G Street. At the time that Order was issued in 1998, Foggy Bottom residents were appropriately concerned with the rapid pace of University development, particularly in the areas that were on the periphery of its campus and adjacent to non-University residential buildings. Community members were concerned about potential impacts of the proposed Health and Wellness Center on St. Mary's Episcopal Church to the north as well as its impact on the viability of a permanent residential community on the block between 23<sup>rd</sup> and 24<sup>th</sup> Streets, Northwest.

Without going into exhaustive detail about the circumstances of that case or the appropriateness of the Order from a community perspective, it should be sufficient

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to say that the case was one of the primary reasons that relations between the University and the community reached a nadir probably about 10 to 15 years ago, and that for many community members concerned about the development has never dissipated.

As the elected representatives of those community members, our Commission must be sensitive to the strong sentiments still held by many while at the same time recognizing that the Health and Wellness Center has now been operating at this location for 14 years. We must continue to be vigilant about shielding the residential community from many negative externalities that might result from the Center's operations, but we must also accept its permanence as a part of our neighborhood. And I believe that we can leverage its presence to the advantage of community members.

In that spirit, the University and ANC 2A have maintained a dialogue over the past year about the Zoning Order presently governing

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the classes of users who are permitted to utilize the Health and Wellness Center, and having supported the applications before the Zoning Commission in cases 02-26A and 02-26B which established and extended the status quo conditions for usage of the Center, our ANC desired to work with the University to identify what an appropriate path forward would be, vis a vis the presently allowed uses as well as any future uses.

It is our belief that the result of this dialogue is a solution which is beneficial to both George Washington and the neighborhood. Specifically, the ANC supports the application to permanently allow for the use of the Health and Wellness Center by students, faculty and staff of the University's Mount Vernon campus, by members of the University Board of Trustees, by students of the School Without Walls, and by up to 300 individuals who are GW alumni living in the Foggy Bottom or West End communities as well as residents of St. Mary's Court,

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residents of the Remington Condominium or parishioners of St. Mary's Episcopal Church.

Additionally, the ANC supports the University's request to allow for additional uses of the Health and Wellness Center beyond what is presently permitted for a five-year term. These uses include athletic competitions that draw a limited number of non-GW users, primarily as competitors and which are not spectator-driven as well as periodic and short-term events that cater to the campus community, neighbors and/or other non-GWU participants that would otherwise be on campus for mission-related purposes, and finally for persons housed in GWU residential facilities during the summer term.

Additionally, the ANC has pushed for memberships to be available to members of the community that are not otherwise GWU-affiliated. The University has worked with us and to that end has agreed to make community memberships available to residents

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of zip codes 20006 and 20037, totalling 150 year-round memberships with an additional 100 memberships available during the summer. We believe that this provision will allow for Foggy Bottom and West End residents to take advantage of the unique benefit of living adjacent to the University, and we hope that this will engender a greater sense of good will between the University and community members.

While we believe that the University has competently operated the Health and Wellness Center in a way that has minimized objectionable impacts on the surrounding community, we join with GWU in requesting that the Commission approve these additional uses including the community memberships for only a limited five-year term so that we may have cause to undertake a collaborative evaluation of the impacts of these additional uses, if any, after an appropriate amount of time has passed.

Our ANC is comfortable with GWU managing the community memberships program at

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an appropriate price point. And we look forward to making neighborhood residents aware of the potential benefits that they would be eligible for pursuant to an order in this case should it be approved.

We further hope that this submission marks the solidification of an improvement in relations between the University and the Foggy Bottom community. And the ANC wishes to once again express its gratitude to George Washington for its cooperative engagement in this matter.

Thank you for your consideration of our views. I'm happy to answer any questions.

CHAIRMAN HOOD: Chairperson Kennedy, we thank you for your presentation and all the work and everything you've put into being the Chairperson of the ANC. I know years ago as Mr. Barber -- I've been here for a while and there hasn't always been this collaboration between the ANC and the University. And it's come a long way.

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MR. KENNEDY: Right.

CHAIRMAN HOOD: I've seen it. I've witnessed most of it. So I want to commend you and your Commission.

MR. KENNEDY: Thank you.

CHAIRMAN HOOD: Commissioners, any questions? Mr. Miller?

COMMISSIONER MILLER: Thank you for your testimony, Chairperson Kennedy.

You mentioned an appropriate price point. I meant to ask Mr. Barber that question. Do you know if they've reached what the cost of the community memberships are going to be yet?

MR. KENNEDY: So that's obviously a decision that would rest with the University. We had preliminary discussions about that because there was a concern at some stage about the University potentially operating in competition with health clubs which we were not at the end of the day as concerned with.

I think the numbers that they had

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floated were somewhere between \$40 and \$50 a month. And they can speak to whatever specific price point they arrived at. But I think that that's the price point at which memberships are currently available to members of the Foggy Bottom West End community who are GW alums. So I think that similar price point would be carried forward to this.

And we think that's appropriate. We think it's under market enough to offer a benefit to our residents without substantially impacting the operation of any neighborhood businesses.

COMMISSIONER MILLER: Thank you.  
Thank you, Mr. Chairman.

CHAIRMAN HOOD: Thank you. Any other questions?

(No audible response.)

CHAIRMAN HOOD: Okay. Does the Applicant have any cross-examination?

MR. BARBER: Nothing.

CHAIRMAN HOOD: Okay. Again, we

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thank you again. We appreciate your testimony.

Okay. Report of other government agencies? Anything other than the DDOT report we've already mentioned out there in support?

(No audible response.)

CHAIRMAN HOOD: We did the ANC.

Organizations -- any organizations or persons who are here in support?

(No audible response.)

CHAIRMAN HOOD: Organizations and persons who are here in opposition?

I might as well just call Ms. Arnold up because she's the only person in the audience.

But anyone else who would like to testify in opposition can come forward.

(No audible response.)

CHAIRMAN HOOD: Okay. Ms. Arnold, you may begin when you're ready.

MS. ARNOLD: Okay. How's that?

All right. Good evening, Members

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of the Zoning Commission. My name is Mercia Elaine Arnold. I'm here representing St. Mary's Episcopal Church Foggy Bottom.

We have filed in opposition for the limited purpose of getting clarification on the opportunities for the St. Mary's Episcopal Church to use both their memberships and the parking at the Lerner Center that may or may not have been clarified in this modification.

We apologize greatly for not having written testimony available to you. However, although we are in negotiations with Hillel's attorney, David Avitabile, on numerous occasions throughout the weeks, we just found out about this hearing today. And so, I can understand where they may not see that this is related to our negotiations on other matters.

We, as the vestry of St. Mary's Church, require clarification on exactly what we have with respect to the Lerner Center. And so I did notice that there are parking issues in this requested modification. And we

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understand that we have memberships. We are not clear whether our memberships have accompanying parking rights in the Lerner Center or not.

As Mr. Barber accurately represented, when we negotiated to have GW provide us with the opportunity to have parking at GW's -- what was the term -- in proximity. When we negotiated that deal, there was a parking lot on the southeast corner of 23<sup>rd</sup> and H Streets which is in walking distance to our church. And there was another parking lot on the northeast corner of 23<sup>rd</sup> and H Streets which was also very close to our church.

As the result of changes and construction at GWU, those parking lots are no longer in close proximity. And I think as Mr. Barber accurately represented, the fact that we have many members who are septuagenarians, octogenarians and nonagenarians, proximity for a nonagenarian -- a 90-year-old -- is a little bit different from proximity for a 40-year-old.

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So as we contemplate moving forward, the understanding that we do have memberships as part of an alternative order as well as some limited access to parking in proximity, I think it would help the management of my church to have clarity on whether or not we have the right to request parking at the Lerner Center.

Over the recent period, it has become clear to us that the Lerner Center is very seldomly available for our use for weddings, for funerals, when we have major events and when we have visitors come. And so, our visitors then would have to park along the street or have impacts on the traffic in Foggy Bottom which we did not contemplate under the supposition that we would have access in proximity to our church. So while this case is not directly about parking and we greatly appreciate the memberships to the Lerner Center, we would seek clarity on whether or not we do have a right to park in the Lerner Center

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or not.

And I think I understood Mr. Barber's representation that as of tonight we do not have a right. And if that is the case, then I would appreciate the opportunity to work with Mr. Barber and Ms. Cora on this issue moving forward.

So the limited opposition is to seek clarification of exactly which rights we do and do not have at this point for the elderly population that St. Mary's Church serves.

Thank you very much.

CHAIRMAN HOOD: Okay. Thank you, Ms. Arnold.

Two things. The church was notified. We have it in our sheet within 200 feet. So the church was notified.

MS. ARNOLD: Understood. Yes, we got notice.

CHAIRMAN HOOD: Okay. So you did get notice?

MS. ARNOLD: Yes.

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CHAIRMAN HOOD: I thought you said you didn't get notice.

MS. ARNOLD: Well, I think what I represented was that we have ongoing conversations with Mr. Avitabile. And this has not come up.

CHAIRMAN HOOD: Okay.

MS. ARNOLD: He -- okay.

CHAIRMAN HOOD: Okay. But I just wanted to make sure that --

MS. ARNOLD: We did get notice.

CHAIRMAN HOOD: Okay. You did get notice.

MS. ARNOLD: From the Zoning Commission's process. Yes. Thank you.

CHAIRMAN HOOD: Okay. All right.

Ms. Schellin -- if you noticed, she came in and showed me to make sure. Because that's one of the questions I was going to ask.

MS. ARNOLD: Oh, no. Yes. We get notice. We're within 200 feet of the Lerner Center. I believe the Lerner Center is the

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structure that kept us out of our church for three years. And so, we're very familiar with how close it is.

CHAIRMAN HOOD: Okay.

MS. ARNOLD: And we would appreciate it if we could get clarity on exactly what our parking --

CHAIRMAN HOOD: Okay.

MS. ARNOLD: -- opportunities with respect to the Lerner Center are.

CHAIRMAN HOOD: And again, most of this case in particular is about our classifications of adding additional classifications and making some classifications permanent. That's what this modification is about.

MS. ARNOLD: Yes.

CHAIRMAN HOOD: But let me just say. I understand seizing the moment. You always seize the opportunity. And I think you got Mr. Barber's ear. And I think he understands. I'm not going to be the -- what

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is it -- the microphone -- what do you call me -- microphone bully -- bully pulpit that Mr. Barber has given me a name in a while. But I'm not going to do that tonight. And actually, I appreciate that because every time I see you I think about it.

Okay. So I'm not going to do that tonight. But I think he's heard you.

MS. ARNOLD: Okay.

CHAIRMAN HOOD: He understands. And I would agree with you 90- and 100-years-old. If we keep living, we'll get there, too. And we'll need stuff in close proximity.

MS. ARNOLD: That would be nice.

CHAIRMAN HOOD: Let me open it up.

MS. ARNOLD: May I?

CHAIRMAN HOOD: Sure.

MS. ARNOLD: May I clarify? Because we appreciate having the Lerner Center in our community. We've been there a long time, and we appreciate them. They're very

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good neighbors.

However, I was concerned when I read page nine of ZC Case 02-26 because the first paragraph there says, "Use of the Center shall be limited to." And then it doesn't include a specificity with respect to St. Mary's Church. So I was not clear as to whether or not -- given that we were not explicitly listed on page nine under Item 1 -- whether or not we had been removed or whether our rights continued.

It states, "Use of the Center shall be limited to: a) students, faculty and staff of the University's Foggy Bottom and Mount Vernon campuses; b) members of the University's Board of Trustees; and c) students of the School Without Walls in organized activities under the supervision of school faculty."

Then I looked at ZC Case Order No. 02-26A, and I looked for St. Mary's Church and our allowed use, and I didn't see it. And so then understanding that Zoning Order Case 02-26B was April 22, 2013, I looked for mention

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of St. Mary's Church. And unfortunately, I didn't see it there either.

So I apologize if I misunderstood that our 50 memberships continue on.

CHAIRMAN HOOD: My colleagues are showing me in two or three different places where it is.

MS. ARNOLD: Okay. So that -- the Ordering paragraph just gave me a little concern that --

CHAIRMAN HOOD: Yes, it's actually --

MS. ARNOLD: -- we -- we weren't there.

CHAIRMAN HOOD: What page is it? It's actually in the decision -- what page? Page seven.

MS. ARNOLD: Okay. So we're good on page seven even though we're not listed on page nine?

CHAIRMAN HOOD: The decision is the decision.

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MS. ARNOLD: Okay.

CHAIRMAN HOOD: So, yes. That's the final decision.

MS. ARNOLD: Okay. So don't worry about page nine. Look at page seven.

CHAIRMAN HOOD: Where is page nine? Well, I don't have page nine. I don't have it.

We get a limited copy of the Order what's enforced tonight. But you are listed in the decision which is on page seven as my colleagues have already mentioned.

MS. ARNOLD: In order 02-26 on page nine.

CHAIRMAN HOOD: Yes, but you are now.

MS. ARNOLD: But we are now?

CHAIRMAN HOOD: Yes.

MS. ARNOLD: So then 02-26A --

CHAIRMAN HOOD: This order supersedes the other order.

MS. ARNOLD: Okay.

CHAIRMAN HOOD: I don't want to

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speak for GW. Right. Okay.

So 26A is where we are. That's where we are in 2008.

MS. ARNOLD: And 26B, is that an independent case from 2-26A or -- it's an extension.

CHAIRMAN HOOD: Allowed the uses. I think we allowed one year.

MS. ARNOLD: Okay. So then we're good on page seven. And that's what will go forward.

All right. Thank you. Thank you for that clarification. That helps a lot.

CHAIRMAN HOOD: Okay. Let me see if my colleagues have any questions, Ms. Arnold.

Any questions of Ms. Arnold?

(No audible response.)

CHAIRMAN HOOD: Okay. Not seeing any.

Again, Mr. Barber has agreed to --

MS. ARNOLD: We're going to work

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together.

CHAIRMAN HOOD: Yes.

Let's see. Any cross-examination,  
Mr. Barber?

MR. BARBER: No. Thank you.

CHAIRMAN HOOD: Okay. Does the  
ANC have any cross?

(No audible response.)

CHAIRMAN HOOD: Okay.

Well, thank you very much, Ms.  
Arnold. We appreciate it.

MS. ARNOLD: Thank you for your  
time. And I apologize for not having written  
comments.

CHAIRMAN HOOD: Okay. Mr. Barber,  
do you want to come up and do any closing?

MR. BARBER: No. I think the  
issues are clear. We seek the Commission's  
approval of the request. Again, two parts:  
permanent approval of the first two groups.  
And I would emphasize that St. Mary's Church is  
in the group that we're seeking permanent

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approval for. And then the five-year approval the new user groups that we've worked out with the ANC.

Thank you.

CHAIRMAN HOOD: Okay. Thank you. We will close testimony in this case.

Colleagues, are we ready to deliberate?

COMMISSIONER TURNBULL: I'm ready.

CHAIRMAN HOOD: Mr. Turnbull, would somebody like to start us off?

COMMISSIONER TURNBULL: Yes, Mr. Chair.

I would move that we approve Zoning Case No. 02-26C, George Washington University Modification to Order Lerner Health and Wellness Center at Square 42, reiterating the two parts that Mr. Barber mentioned about the permanent groups and the five-year for the new groups.

CHAIRMAN HOOD: Okay.

COMMISSIONER MILLER: Second.

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VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay. It's been moved and seconded twice. Again, it's started also by the Applicant as well as I think the Office of Planning concurs and there is going to continue to be worked with St. Mary's Church as we move forward.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: And the time frame is the same for the new groups? Five years? They'll come back as adopted or as represented by the Applicant as agreed to by the Office of Planning.

It's moved and properly seconded.  
Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

CHAIRMAN HOOD: Not hearing any opposition from those present, Ms. Schellin, would you record the vote?

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MS. SCHELLIN: Yes. Staff records the vote five to zero to zero to approve final action in Zoning Commission Case No. 02-26C. Commissioner Turnbull moving; Commissioner May seconding; Commissioners Hood, Cohen and Miller in support.

And I would ask the Commission if they are approving a summary order in this case?

CHAIRMAN HOOD: Yes.

MS. SCHELLIN: Okay. So Mr. Barber, if you could provide a summary order. Thank you.

CHAIRMAN HOOD: Okay. So with that, the pulpit bully is closing -- no, I'm just kidding.

So with that, this hearing is adjourned. Thank everyone for their participation. This hearing is adjourned.

(Whereupon, at 7:46 p.m., the hearing was adjourned.)

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