

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11I/06-12I
Z.C. Case No. 06-11I/06-12I
The George Washington University
(Minor Modification – Foggy Bottom Campus)
December 10, 2012**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public meeting on December 10, 2012, and approved an application from The George Washington University (“University”) for a modification to Condition P-7 of Z.C. Order No. 06-11/06-12 (the “Campus Plan / PUD Order”), which approved a campus plan and first-stage planned unit development (“PUD”) for the University’s Foggy Bottom campus.

FINDINGS OF FACT

By Z.C. Order No. 06-11/06-12, dated March 12, 2007, the Commission approved the application of the University for approval of the 2007 Foggy Bottom Campus Plan and first-stage PUD and related map amendments concerning the development of the University’s Foggy Bottom campus. The PUD site that is the subject of Z.C. Order No. 06-11/06-12 consists of all University-owned properties within the boundaries of the approved Foggy Bottom Campus Plan. Condition P-7 of the Campus Plan/PUD Order established a Campus Plan Advisory Committee (“CPAC”) to foster ongoing dialogue between the University and the community on issues of shared concern.

By letter dated November 13, 2012, counsel for the University requested a minor modification to the Commission’s prior approval pursuant to § 3030 of the Zoning Regulations (Title 11 DCMR). The letter requested that the Commission modify Condition P-7 to clarify that CPAC is not an official voting body that would take positions on matters that are discussed. Rather, CPAC is intended to provide a forum for regular dialogue between representatives of the University and the Foggy Bottom/West End community on University development projects and other issues of mutual concern. The letter then requested that the Commission adopt additional language to Condition P-7 reflecting this understanding.

By resolution dated July 18, 2012, which was adopted at a regularly scheduled and duly noticed public meeting, with a quorum present, Advisory Neighborhood Commission (“ANC”) 2A voted to support the modification. The modification request was countersigned by ANC 2A and the University.

By report dated November 30, 2012, the Office of Planning submitted a report recommending approval of the minor modification.

Pursuant to 11 DCMR § 3030.11, the Director of the Office of Zoning placed the request for a modification on the Commission's Consent Agenda for its public meeting of December 10, 2012. At that meeting, the Commission voted to approve the modification as a minor modification.

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modification is minor and consistent with the intent of the Commission's prior approvals. The Commission concludes that the proposed modification is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act. The Commission also notes that the request is supported by both the Office of Planning and ANC 2A, who are each entitled to "great weight."

The approval of the modification is not inconsistent with the Comprehensive Plan. The modification is of such a minor nature that its consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a minor modification to Condition P-7 of Z.C. Order No. 06-11/06-12 as follows:

Add the following three provisions to Condition P-7:

- c. The Advisory Committee shall be a forum for communications and shall not take any "action" as a body on the issues presented for discussion.
- d. The administrative procedures (outlined in the Condition) that govern the operation of the body are intended only to facilitate the discussions for which the Advisory Committee was established and shall not be intended to create a voting or other "position-taking" role for the Committee.
- e. The Advisory Committee is not intended to take positions on matters and the role of the ANC and its standing (including the provision for "great weight") shall not be affected in any way.

On December 10, 2012, upon the motion of Chairman Hood and as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1**

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(Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not present, not voting).

In accordance with the provisions of 11 DCMR 3028.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on March 8, 2013.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING