

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



**Zoning Commission Order No. 06-11M/06-12M
Z.C. Case No. 06-11M/06-12M
The George Washington University
(Minor Modification to Z.C. Order No. 06-11/06-12 –
Condition P-2: Modification to Permit Use of Leased Space in Hillel)
November 23, 2015**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on November 23, 2015. At the meeting, the Commission approved an application of The George Washington University (“Applicant”) for a minor modification to Z.C. Order No. 06-11/06-12 (“Campus Plan/PUD Order”). The Campus Plan/PUD Order approved the 2007 Foggy Bottom Campus Plan and First-Stage Planned Unit Development (“Campus Plan/PUD”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under § 3030 of the Zoning Regulations.

FINDINGS OF FACT

Pursuant to the Campus Plan/PUD Order, the Commission approved a 20-year campus plan and first-stage planned unit development (“PUD”) and related map amendments concerning development of the University’s Foggy Bottom campus. The Campus Plan/PUD Order applies to University use of all properties located within the boundaries of the Campus Plan, even if the University does not own the property.

In Z.C. Case No. 06-11L, the sister case to this application, Hillel at the George Washington University (“Hillel”) applied for variance and special exception approval required to construct a new four-story facility (“Project”) on property located on Lots 820 and 840 in Square 42 (“Property”). The Property is located within the boundaries of the Campus Plan and provides services to the University population, as well as the broader community. Hillel will own and operate the entire Project, but in order to help finance the cost of constructing the facility, Hillel proposed to lease two floors of the new facility to the University. Revenue from the leased space will help pay the cost of construction of the Project in the near term, and allow Hillel to construct a building now that will accommodate its future needs. Therefore, as a part of Z.C. Case No. 06-11L, the University also applied for special exception approval for a campus plan amendment and further processing approval to permit the university use of space within the Project. The Commission voted to approve Z.C. Case No. 06-11L on November 23, 2015. That approval

became effective through Z.C. Order No. 06-11L, which is being published concurrently with this Order

Condition P-2 of the Campus Plan/PUD Order requires second-stage PUD approval for any development undertaken by the University that results in additional density or change in use. Here, the proposed Project is being undertaken by Hillel, the owner of the Property and the proposed Project. The University will lease two floors of the Project through a conventional lease, and will have no ownership or long-term property interest in the Property. Therefore, the University requested that the Commission approve a modification to Condition P-2 that would clarify that the proposed university use in the Project does not require PUD approval.

The University submitted evidence that the modification was minor (that is, of little or no consequence) in the context of the overall Campus Plan/PUD. The amount of university use within the Project constitutes less than one-half percent of the total amount of additional space approved for campus development in the Campus Plan/PUD, and the space and Property itself are both considerably smaller than the minimum parameters for a PUD. Furthermore, the modification arises out of a unique set of circumstances, prompted not by the University's development needs but rather out of an attempt to accommodate the needs of a small non-profit and place of worship that has served the needs of the University population for many years.

Finally, as a condition of approval in Z.C. Case No. 06-11, the University agreed to forego the development of Site 77D under the Campus Plan/PUD. Site 77D called for an addition of approximately 9,504 square feet of gross floor area, and the University use within the Project consists of less density. Therefore, with the removal of Site 77D, the modification will result in less density than the originally-approved Campus Plan/PUD.

The Applicant served the minor modification request on Advisory Neighborhood Commission ("ANC") 2A as well as the Office of Planning ("OP"). OP recommended approval of the modifications. The ANC did not submit a report in the record of Z.C. Case No. 06-11M/06-12M, but as set forth in Z.C. Order No. 06-11L, the ANC raised no objection to the related campus plan amendment. The West End Citizens Association ("WECA") submitted a letter requesting that the University's request be removed from the Consent Calendar and consolidated with Z.C. Case No. 06-11L. WECA participated as a party in opposition in Z.C. Case No. 06-11L, and the Commission addressed WECA's objections to the substance of the Project and the related university use in Z.C. Order No. 06-11L.

On May 12, 2014, at a regularly scheduled public meeting, the Commission voted 4-0-1 to hold this minor modification request in abeyance until after the public hearing and vote on the Project in Z.C. Case No. 06-11L.

On November 23, 2015, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modification to Condition P-2 of the Campus Plan/PUD Order.

The Commission finds that the requested modification is of little consequence to the approved Campus Plan/PUD as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its original approval.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 06-11/06-12. Furthermore, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan.

The Commission also concludes that the modification is of little or no consequence, and is therefore appropriate for consideration on the Consent Calendar, without a public hearing. (11 DCMR § 3030.2.)

The Commission wishes to emphasize the unique circumstances related to this request and cautions that its decision does not serve as precedent with respect to the Campus Plan PUD in general and the requirement for second-stage PUD approvals in particular.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to Condition P-2 of Z.C. Order No. 06-11/06-12 as follows:

Add the following sentence to Condition P-2:

- d. PUD approval is not required for additional density or change in use associated with university use approved in Z.C. Order No. 06-11L that is located within the proposed development to be undertaken by Hillel on Square 42, Lots 820 and 840.

All other provisions and conditions of Z.C. Order No. 06-11/06-12 shall remain in effect.

On November 23, 2015, upon a motion by Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve and adopt; Michael G. Turnbull not voting, not having participated).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 6, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA BARDIS
DIRECTOR
OFFICE OF ZONING