

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11R
Z.C. CASE NO. 06-11R
The George Washington University
(Campus Plan Further Processing @ Square 122)
December 2, 2019

Pursuant to notice, at its public hearing on December 2, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) of The George Washington University (the “University”) for the review and approval of:

- A special exception under Subtitle X § 101.9 to allow further processing within the Foggy Bottom Campus Plan of 2006-2025 (the “Campus Plan”) approved by Z.C. Order No. 06-11/06-12 (the “Original Order”), as amended by Z.C. Order Nos. 06-11A through 06-11P;
- A special exception from the lot occupancy requirements of Subtitle G § 304.1; and
- Three special exceptions from the penthouse requirements of Subtitle C §§ 1500.8, 1500.9, and 1502.

Of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [“the “Zoning Regulations”], to which all subsequent citations refer unless otherwise specified). The Commission reviewed the Application pursuant to its Rules of Practice and Procedures, which are codified in Subtitle Z and for the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Notice

1. On April 19, 2019, the University mailed a Notice of Intent to all required property owners and the parties to the Campus Plan – Advisory Neighborhood Commission (“ANC”) 2A, the “affected ANC” per Subtitle Z § 101.8, the Foggy Bottom Association (“FBA”), and the West End Citizens Association (“WECA”) – in satisfaction of the requirement of Subtitle Z § 302.6. In accordance with Subtitle Z § 302.8, University representatives attended ANC 2A’s July 17, 2019 public meeting. (Exhibit [“Ex.”] 3E.)
2. On October 1, 2019, the Office of Zoning (“OZ”) sent notice of the public hearing to: (Ex. 6.)
 - The affected ANC 2A;
 - The affected ANC Single Member District (“SMD”) 2A01;
 - The Office of Planning (“OP”);

- The District Department of Transportation (“DDOT”);
 - The Council of the District of Columbia (“DC Council”); and
 - Property owners within 200 feet of the Property. (Ex. 6.)
3. OZ also published notice of the December 2, 2019 public hearing in the *D.C. Register* on October 11, 2019 (66 DCR 13364) as well as through the calendar on OZ’s website. (Ex. 6.) The Applicant also posted notice of the public hearing in accordance with the requirements of the Zoning Regulations. (Ex. 10, 19.)

Parties

4. The parties to the Campus Plan other than the University, were ANC 2A, FBA, and WECA, which was in support but nonetheless requested party status, and which the Commission granted. (Ex. 7.)

The Site

5. The property that is the subject of the Application is located in Square 122, Lot 30 (the “Property”).¹
6. The Property is located in the MU-2 zone and is a part of the Campus Plan/First-Stage Planned Unit Development (“PUD”) approved by the Commission in the Original Order.
7. The Property contains approximately 27,600 square feet and is the location of Thurston Hall, a residence hall housing first-year University students (“Thurston Hall”).

The Application

8. On August 19, 2019, the University filed the Application seeking approval of a further processing to renovate Thurston Hall to provide an updated residence hall (the “Renovation”). (Ex. 1, 2, 3, 3A-3O, 13, 13A-G, 21, 21A-B.)
9. Thurston Hall was constructed in 1929 as an apartment building, and since 1964, the building has served as a residence hall for the University. Thurston Hall currently provides approximately 1,080 beds for first-year students. (Ex. 3.)
10. Through the Renovation, the University intends to renovate Thurston Hall to provide approximately 825 beds in single- and double-accommodation rooms and a 250-seat dining venue on the lower level. (Ex. 3, 13.)
11. In order to accommodate the relocation of the students who would otherwise be housed in Thurston Hall, the University filed three modification applications (collectively, the “Modification Applications”) to temporarily house the students displaced by the Renovation (the “Temporary Housing Plan”): (Ex. 3, 13.)
- a. Z.C. Case No. 01-17E, which applied for a modification to the PUD for 1959 E Street, N.W.;

¹ Note that the Application was filed referencing Lot 825 in Square 122, which was subsequently converted to Record Lot 30 in Square 122 on September 17, 2019.

- b. Z.C. Case No. 06-11Q, which applied for a modification to the Campus Plan; and
 - c. Z.C. Case No. 06-12Q, which applied for a modification to the first-stage PUD for the campus.²
12. As part of the Renovation, the University proposes to carve out a “notch” in the Thurston Hall’s south elevation to increase light and air to the central courtyard. The notch will remove three stories of the building on the south façade but will rebuild the façade of the lowest story to give the appearance of a two-story removal. The University will infill the open part of the notch with a mix of glass fiber reinforced concrete and metal with a screen that evokes the pattern of the old façade but provides ample transparency for light and air to enter the central courtyard. The University also proposes to construct a canopy on the roof that will provide cover to the courtyard and the upper terraces created by the notch, making it a usable space for students, even in inclement weather. (Ex. 3, 13, 13F, 21, 21A-B.)
 13. The University also proposes to construct new habitable penthouse space and mechanical equipment and structures on the Thurston Hall’s roof. (Ex. 3, 13, 13F, 21, 21A-B.)
 14. The Renovation will decrease the gross floor area at the Property from 190,430 square feet to 187,685 square feet, resulting in a decreased floor area ratio (“FAR”) for the Property from 6.89 to 6.80. Because the Renovation does not change the use or increase the gross floor area of the building, no second-stage PUD approval is required under the campus plan-related first-stage PUD for the Foggy Bottom campus. (Ex. 3, 13, 13F.)
 15. The Renovation will maintain the building height of Thurston Hall at 86.5 feet. (Ex. 3, 13, 13F.)
 16. The Renovation will increase the lot occupancy of the Property from 73.3% to 84%. (Ex. 3, 13, 13F.)
 17. The Renovation will incorporate a series of sustainable features that represent an improvement over the existing Thurston Hall and will reduce the impact of the renovation. These include approximately 2,500 square feet of green roof and approximately 2,000 square feet devoted to solar panels on the penthouse roof. Overall, the Renovation is designed to a minimum level of Silver under LEED v.4. (Ex. 3, 13, 13F.)
 18. The Renovation will also include improvements in public space, framing the primary F Street entrance with outdoor seating, paving consistent with the Campus Plan, plantings within the public parking area, and bicycle parking. (Ex. 3, 13, 13F.)
 19. The Renovation will continue to provide no vehicular parking and will maintain one loading berth. The Renovation will provide 36 long-term and 36 short-term bicycle parking spaces. (Ex. 13, 13F.)

² The Commission combined Z.C. Case Nos. 06-11Q and 06-12Q for the purposes of a decision and final order.

20. The University provided evidence that the Renovation received concept approval from the U.S. Commission of Fine Arts (“CFA”) and the Historic Preservation Review Board (“HPRB”). The University refined the Renovation based on feedback from both CFA and HPRB, and the final design presented to the Commission reflected these refinements. (Ex. 13, 21.)
21. The University supplemented the Application with a prehearing submission on November 12, 2019, and a hearing submission on December 2, 2019. (Ex. 13, 13A-G, 21, 21A-B.)

Relief Requested

22. The Application requested five special exceptions: (Ex. 3, 13, 13F.)
 - To allow the further processing of Thurston Hall under the Campus Plan pursuant to Subtitle X § 101.9 to authorize the Renovation;
 - For relief from the maximum 80% lot occupancy requirement in the MU-2 zone (Subtitle G § 304.1) to allow the canopy that will increase the lot occupancy to 84% because the currently uncovered courtyard will become covered lot space, although the building footprint itself will remain at 73%; (Subtitle G § 304.1.)
 - For relief from the penthouse setback requirements for the canopy’s support structure. (Subtitle C § 1502.) The University originally requested setback relief for the entire canopy, but based on feedback from CFA, the University set the overall canopy back on a 1:1 basis. However, a small portion of the support structure for the canopy intrudes into the 1:1 setback area and cannot be further set back without negatively impacting the intent of the canopy to cover the upper terraces. Without this cover, the terraces would not be occupiable during inclement weather;
 - For relief from the uniform height requirements for the cooling towers. (Subtitle C § 1500.8.) The cooling towers need to be 19 feet in height to accommodate the operations of the building. However, the other penthouse structures do not need to be this tall, and rather than increase the height of other elements, the University requests relief for a different height for the cooling towers; and
 - For relief from the screening requirements for the cooling towers. (Subtitle C § 1500.9.) The University proposes to only half-screen the cooling towers. While the towers themselves meet the setback requirements, providing screening for the full height of the towers would result in the need for additional setback relief for the screen wall to allow for air circulation. Instead, the University proposes to keep the screen wall at the lower height needed to screen the rest of the mechanical equipment which will minimize the height and visual impact of the roof structures.

Applicant's Statements

Renovation Impacts

23. The Renovation will provide greater student gathering space in the building, including the courtyard. The Renovation will also provide an on-site dining option for students and improved room conditions. The Renovation will also improve building sustainability with the addition of solar panels and green roof as well as building envelope efficiency improvements. All of these impacts will create a more positive student environment and enhance the first-year experience at the University. (Ex. 3, 13.)
24. The Renovation will increase the outdoor space for students to gather, largely in the courtyard and terrace areas. While more outdoor congregation space could potentially have an adverse impact on the surrounding neighborhood, the Application notes that the design of the courtyard, including the canopy cover, as well as the fact that the courtyard is completely surrounded by building walls, will minimize any impacts. (Ex. 3, 13.)
25. During construction, Thurston Hall will not be occupiable. During this time, first-year students who would have been housed in Thurston will be housed in other buildings on campus. Upper-level students displaced by the first-year students will be housed in other locations, including two properties outside of the Campus Plan. All of the impacts and mitigations related to the Temporary Housing Plan are detailed in the Modification Applications. To minimize the impacts of the Renovation, the University has committed to only employing the Temporary Housing Plan for two years, as detailed in the Modification Applications. (Ex. 3, 13; Z.C. Order Nos. 01-17E, 06-11Q/06-12Q.)
26. The University also provided a Comprehensive Transportation Review (“CTR”) that was prepared by Rob Schiesel of Gorove/Slade and includes a Loading Management Plan. (Ex. 9, 9A-B.) The CTR concluded that the Renovation “[would] not have a detrimental impact on the local transportation network and would not result in any significant increase in vehicular travel.” The CTR also noted that the existing loading areas and access would not be changing and that the University had proposed Traffic Demand Management (“TDM”) and Loading Management Plans.

Not Inconsistent with the Comprehensive Plan

27. The Application asserts that the Renovation will not be inconsistent with the Comprehensive Plan (Title 10A of the DCMR, the “CP”), including the Generalized Policy Map (the “GPM”), the Future Land Use Map (the “FLUM”), and multiple written policies as further described below. The Application did not identify any potential inconsistencies with the CP. (Ex. 3, 17.)
28. The GPM and FLUM designate the Property in the Institutional land use category, which is consistent with the University’s use and the Renovation. (Ex. 3, 17.)
29. The Renovation will advance the following policies of the Land Use element of the CP:
 - a. Policy LU-3.2.1: Transportation Impacts of Institutional Uses – Support ongoing efforts by District institutions to mitigate their traffic and parking impacts by promoting ridesharing, carpooling, public transportation, shuttle service and

bicycling; providing on-site parking; and undertaking other transportation demand management measures; and

- b. Policy LU-3.2.2: Corporate Citizenship – Support continued “corporate citizenship” among the city’s large institutions, including its colleges, universities, hospitals, private schools, and non-profits. Given the large land area occupied by these uses and their prominence in the community, the city’s institutions (along with the District itself) should be encouraged to be role models for smaller employers in efforts to improve the city’s physical environment. This should include a continued commitment to high quality architecture and design on local campuses, expanded use of “green building” methods and low impact development, and the adaptive reuse and preservation of historic buildings.
(Ex. 3.)
30. The Renovation will advance the following policies of the Education Facilities element of the CP: (Ex. 3, 17.)
- 31.
- a. Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs – Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District’s character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas;
 - b. Policy EDU-3.3.3: Campus Plan Requirements – Continue to require campus plans for colleges and universities located in residential and mixed-use zone districts. These plans should be prepared by the institutions themselves, subject to District review and approval, and should address issues raised by the surrounding communities. Each campus plan should include provisions that ensure that the institution is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other similar conditions; and
 - c. Policy EDU-3.3.4: Student Housing – Encourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches.
32. The Renovation will advance the following policies of the Economic Development element of the CP: (Ex. 3.)
- a. Policy ED-1.1.2: Economic Linkages – Leverage the potential of core industries to provide new employment opportunities, particularly the growth of businesses that supply essential goods and services to the government, universities, hospitals, law firms, hotels, non-profits, and other major employers in the city; and

- b. Policy ED-2.4.1: Institutional Growth – Support growth in the higher education and health care sectors. Recognize the potential of these industries to provide employment and income opportunities for District residents, and to enhance the District’s array of cultural amenities and health care options.
33. The Renovation will advance the following policies of the Historic Preservation element of the CP: (Ex. 3.)
- a. Policy HP-2.4.4: Suitability to the Historic Context – Apply design standards in a manner that accounts for different levels of historic significance and different types of historic environments. Encourage restoration of historic landmarks while allowing enhancements of equivalent design quality, provided such enhancements do not damage the landmark. Exercise greater restraint in residential historic districts and areas with a clear prevailing development pattern or architectural style. Allow greater flexibility where the inherent character of historic properties can accommodate greater intervention or more dramatic new design, for example, in non-residential areas and in areas without a significant design pattern;
 - b. Policy HP-2.4.5: Protecting Historic Building Integrity – Protect historic buildings from demolition whenever possible and protect the integrity of whole buildings. Discourage treatments like façadism or relocation of historic buildings, allowing them only when there is no feasible alternative for preservation, and only after a finding that the treatment is necessary in the public interest. Waivers or administrative flexibility should be provided in the application of building and related codes to permit maximum preservation and protection of historic resources while ensuring the health and safety of the public; and
 - c. Action HP-2.4.A: Conceptual Design Review Process – Sustain and improve the conceptual design review process as the most effective and most widely used means to promote good preservation and compatible design. Support the use of this process by property owners and developers by committing sufficient resources and appointing highly qualified professionals to the Historic Preservation Review Board. Enhance public participation and transparency in the process through increased use of electronic means to provide public notice, process applications, and post documents for public review.
34. The Renovation will advance the following policies of the Transportation element of the CP: (Ex. 3.)
- a. Action T-2.2.C: Bicycle and Car-Pool Parking – Increase investment in bicycle parking and provide more visible parking for car-sharing operations at Metrorail stations, key transit stops, and future streetcar stations; and
 - b. Action T-2.3.A: Bicycle Facilities – Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure

bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.

35. The Renovation will advance the following policies of the Environmental Protection element of the CP: (Ex. 3.)
- a. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff – Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces; and
 - b. Policy E-2.2.5: Energy Efficient Building and Site Planning – Include provisions for energy efficiency and for the use of alternative energy sources in the District’s planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals.
36. Finally, the Renovation will advance the following policies of the Near Northwest Area element of the CP: (Ex. 3, 17.)
- a. Policy NNW-1.1.8: Student Housing – Support and promote efforts by the area’s universities to develop on-campus dormitories in order to reduce pressure on housing in nearby neighborhoods;
 - b. Policy NNW-2.5.1: GWU/Foggy Bottom Coordination – Encourage continued efforts to improve communication and coordination between George Washington University (GWU) and the Foggy Bottom and West End communities. Campus Plans for the university must demonstrate how the campus can manage its academic mission within its current boundaries and enrollment. These efforts must ensure protection of the residential character of Foggy Bottom; and
 - c. Policy NNW-2.5.2: Student Housing and Parking Issues – Support efforts by George Washington University to place students in residential facilities within the campus boundaries or at the Mount Vernon campus to alleviate pressure on the housing stock in Foggy Bottom/West End and to develop transportation demand management programs and facilities that reduce parking problems on residential streets in the campus area.

Responses to Application

OP Report

37. By report dated November 22, 2019, (the “OP Report”), OP recommended approval of the Application and the related Modification Applications with no comments or conditions. (Ex. 17.) The OP Report noted that the Application was consistent with the CP’s GPM, FLUM, and the Education Facilities and the Near Northwest Area Elements of the CP. The OP Report also recommended approval of the requested zoning relief and detailed how the

Renovation meets the requirements for these areas of relief and the overall further processing standards.

DDOT Report

38. By report dated November 22, 2019 (the “DDOT Report”), DDOT expressed no objection to the Renovation or the Modification Applications provided that the University implement the Loading Management Plan and the TDM Plan for the temporary relocation of the students as outlined in the CTR.³ (Ex. 18.)

ANC Report

39. ANC 2A submitted a report (the “ANC Report”) stating that at its duly noticed meeting on November 20, 2019, at which a quorum was present, ANC 2A voted to support the Renovation and the relief requested. (Ex. 24.) The ANC Report did not raise any issues or concerns with the Renovation.

Other Parties and Persons

40. WECA’s written response commended the University for outreach to the community and designing a Renovation that would improve the student experience at the University. (Ex. 7.)
41. The Commission received numerous letters from University students in support of the Renovation. These support letters generally commended the University for designing a Renovation focusing on a space with natural light and air for students, gathering and community spaces for students, a new dining facility, and the sustainability features of the Renovation. (Ex. 20, 23.)

Public Hearing of December 2, 2019

42. The Commission held a public hearing on the Application on December 2, 2019. On behalf of the University, the Commission accepted Dade Van Der Werf as an expert in architecture and Rob Schiesel as an expert in traffic engineering. (Ex. 13G.) The Applicant provided testimony from Dade Van Der Werf, as well as from others.
43. OP rested on the record of its report and recommended approval of the Renovation. (12/2/19 Transcript [“12/2 Tr.”] at 36.)
44. DDOT testified in support of the Renovation subject to the conditions outlined in its report. (12/2 Tr. at 36-37.)
45. Chairperson Smith and Commissioner Epstein from ANC 2A both testified in support of the Renovation and commended the University on its extensive public outreach and willingness to compromise on the Renovation and the Modification Applications. (12/2 Tr. at 37-43.)

³ The TDM requirement was related to the Modification Applications and is contained in those orders.

46. Sara Maddux, representing WECA, also testified in support of the Renovation as it will improve life for students and provide space for socializing. (12/2 Tr. at 45-49.)
47. Three University students testified in support of the Renovation, noting the importance of the student gathering spaces, dining facility, and sustainability features incorporated into the renovated Thurston Hall. (12/2 Tr. at 51-61.)

CONCLUSIONS OF LAW

1. The Commission may approve a campus plan, and any amendment and further processing thereof, as a special exception upon determining that the applicant has demonstrated the satisfaction of the requirements of Subtitle X § 101 and Chapter 9.
2. The Commission concludes that the University has satisfied the burden of proof for further processing approval of the Renovation. The Commission concludes, as detailed below, that the Renovation:
 - a. Will cause no objectionable impacts;
 - b. Is not inconsistent with the Comprehensive Plan; and
 - c. Is in harmony with the general purpose and intent of the Zoning Regulations.

Subtitle X § 101.2 - The uses shall be located so that they are not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions.

3. The Commission concludes that the Renovation is not likely to become objectionable to neighboring properties due to noise. The Property was approved for use as student housing under the Campus Plan and has been used as such since 1964. The Commission notes that while the Renovation is increasing areas for student congregation and socialization, it is also decreasing the overall number of students to be housed in the building. The Commission also notes that the congregation areas will be located within the building, thereby mitigating any impacts from noise. (Findings of Fact ["FF"] 6, 9-10, 23-24.)
4. The Commission also concludes that the Renovation is not likely to become objectionable to neighboring properties due to traffic, parking, or other transportation impacts. Consistent with the approved Campus Plan, the Renovation does not contain any parking. The Commission finds that the reintroduction of the dining venue will generate few additional trips because the students who will use the facilities would be coming from the Property or other locations on the University campus. The Renovation also includes secured long-term bicycle storage and short-term bicycle parking adjacent to the building, which will help encourage this non-auto mode of transportation. The Renovation will maintain the existing loading berth in the private alley at the rear of the building, which will provide a space for off-street service and delivery activity. Finally, the Commission credits the findings of the

CTR and the DDOT report, that the Renovation's trip generation is unlikely to create a detrimental impact on the surrounding transportation network. (FF 26, 38.)

5. The Commission concludes that the Renovation is not likely to become objectionable due to the number of students, as the Renovation will not increase the overall student population and will in fact decrease the student population at the Property. The Renovation will also create areas for student socialization and congregation within the residence hall, ranging from the new outdoor terraces to the dining venue to the penthouse, as well as smaller lounge and study areas on each floor, which will provide students with inward-focused community-building spaces and reduce any external impacts. (FF 9-10, 23-24.)
6. Finally, the Commission concludes that the Renovation is not likely to become objectionable due to other objectionable conditions and notes that no other objectionable conditions related to the Renovation were raised by parties or persons as part of the Application. The Commission notes that all impacts and mitigations related to the Temporary Housing Plan are addressed in the Modification Applications.
7. Therefore, the Commission finds the Renovation's overall impacts are not adverse and any potential adverse impacts are mitigated by the Renovation's overall design and the University's agreement to limit the Temporary Housing Plan to two years. (Ex. 3, 13.)

Subtitle X § 101.3 - *Any commercial use customarily incidental to a university use in an R, RF, or RA zone, or as an adjunct use to a university building, shall be subject to the following conditions:*

- (a) *There shall be a demonstrated and necessary relationship between the use and the university functions;*
 - (b) *The total floor area of all commercial uses, including basement or cellar space, shall occupy no more than ten percent (10%) of the gross floor area of the total campus plan floor area; and*
 - (c) *The commercial use shall be located so that it will not become objectionable to non-university residential neighbors due to hours of operation, noise, parking, loading, lighting, trash, or other operational characteristics that are not customarily associated with a residential use.*
8. The Commission notes that the Renovation is not located in an R, RF or RA zone and that the Application does not propose to change the zoning of the Property. (FF 6.)

Subtitle X § 101.4 - *The campus plan process shall not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan.*

9. The Commission concludes that the Renovation would not create general commercial activities on the campus unrelated to the mission of the University. (FF 10.)

Subtitle X § 101.5 - *The following development standards shall apply to the maximum total density of all buildings and structures on the campus in an R, RF, RA, or RC-1 zone.*

10. The Commission notes that the Renovation is not located in an R, RF, RA, or RC-1 zone and that the Application does not propose to change the zoning of the Property. The Commission notes that upon completion of the renovation, the zoning height of Thurston Hall would remain at 86.5 feet, and the FAR for residentially zoned portions of the campus would be 3.12, below the 3.69 permitted by the Campus Plan (FF 6 at 14-15.)

Subtitle X § 101.6 - *Because of permissive increases as applicable to normal bulk requirements in the low-density zones regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density zones.*

11. The Commission finds that the use is not located in a low-density zone and that the Application does not propose to change the zoning. (FF 6.)

Subtitle X § 101.7 - *In calculating floor area ratio (FAR), the land area shall not include public streets and alleys, but may include interior private streets and alleys within the campus boundaries.*

12. The Commission finds that the FAR calculation for the Property is based only on the lot, which includes private alleys, and does not include the adjacent public streets.

Subtitle X § 101.8 - *As a prerequisite to requesting a further processing for each college or university use, the applicant shall have submitted to the Zoning Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements including, but not limited to, the following:*

- (a) *Buildings and parking and loading facilities;*
 - (b) *Screening, signs, streets, and public utility facilities;*
 - (c) *Athletic and other recreational facilities; and*
 - (d) *A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.*
13. The Commission notes that pursuant to Z.C. Case Nos. 06-11 and 06-12, it approved a combined campus plan and campus wide first-stage PUD. The Application is made pursuant to the guidelines of the Campus Plan.

Subtitle X § 101.9 - *The further processing of specific buildings, structures, and uses within an approved campus plan shall be processed as a special exception unless the campus plan approval was included in an order granting a first-stage planned unit development (PUD) for the campus, in which case the further processing shall be in the form of second-stage planned unit development applications filed consistent with the conditions of the approved campus plan/PUD.*

14. The Commission concludes that the Application is appropriate for the Renovation and follows the conditions set forth in the Campus Plan. According to Conditions P-2 and P-14 of the Original Order, only development or renovations resulting in a change of use or an increase in floor area require a second-stage PUD approval. (FF 14.)

Subtitle X § 101.10 - Within a reasonable distance of the college or university campus, and subject to compliance with Subtitle X § 101.2, the Zoning Commission may also permit the interim use of land or improved property with any use that the Zoning Commission may determine is a proper college or university function. The land need not be included in the campus plan. When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Zoning Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.

15. The Commission finds that the Application does not propose an interim use of the Property. (FF 25.)

Subtitle X § 101.11 - In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Zoning Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.

16. The Commission concludes that the Renovation is not inconsistent with the CP maps because the Renovation is consistent with the GPM and FLUM designations for Institutional Use. (FF 27-28.)
17. The Commission concludes that the Renovation furthers the goals of the CP's Education Facilities Element to provide quality on-campus student housing; the goals of the Economic Development element to support the growth of higher education; the Historic Preservation element's goals of protection of historic resources; the Transportation element's goals of transit-oriented development; and the Environmental element's goals for energy efficiency. (FF 29-34.)
18. Finally, the Commission concludes the Renovation is not inconsistent with the Near Northwest Area Element's goals of coordination between the University and the community and providing quality student housing on campus. (FF 35.)

Subtitle X § 101.12 - As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the FAR limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved.

19. The Commission concludes that upon completion of the Renovation the FAR for residentially zoned portions of the campus would be 3.12, below the 3.69 permitted by the Campus Plan.

Subtitle X § 101.13 - Pursuant to Subtitle Z § 405.1, as soon as the application is accepted, the Office of Zoning shall refer the application to the Office of Planning, the Department of Transportation, and the Department of Energy and Environment for review and written reports.

20. The Commission concludes that the Application was properly referred to all relevant District agencies. The Commission notes that OP and DDOT both provided timely reports on the Application.

Subtitle X § 101.14⁴ - Approval of a campus plan shall be based on the determination by the Zoning Commission that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps, subject to the special conditions specified in this section.

21. The Commission concludes that the Renovation is in harmony with the general purpose and intent of the Zoning Regulations because the Renovation provides enhanced first-year housing at the Property, reduces the number of students in Thurston Hall, and increases student gathering spaces in Thurston Hall and so minimizes impacts on the surrounding neighborhood, is consistent with the neighborhood scale and uses, and improves the sustainability of the Property. (FF 23-24.)

Zoning Relief

22. The Commission concludes that the University has satisfied the burden of proof for the special exception relief from the lot occupancy requirements and the roof structure setback, uniform height, and screening requirements, as detailed below.

Lot Occupancy

23. The Commission concludes that the lot occupancy relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and the relief will not tend to adversely affect the use of neighboring properties. The Commission notes that the lot occupancy relief is necessitated by the canopy and related notch, and that Thurston Hall's footprint will remain at the existing 73% lot occupancy. The Commission further notes that providing daylight to the interior courtyard actually improves the light and air at the Property and will not alter significantly the relationship between Thurston Hall and surrounding properties. (FF 22.)

Penthouse Relief

24. Based on the Findings of Fact above, the Commission concludes that the University has satisfied the standards for roof structure relief because:

⁴ Subtitle X § 101.14 encapsulates the general Special Exception criteria of Subtitle X § 901.2.

- a. While the canopy membrane is setback on a 1:1 basis, the support structure slightly intrudes into this area. However, setting the support structure back to comply with the requirements would minimize the effectiveness of the canopy, damaging the underlying intent of the Renovation to create covered outdoor spaces within the Renovation for student gathering. Additionally, the small extent of the relief and limited height and extent of the support structure overall minimizes the visual intrusion of the canopy, and the lack of setback for the structural support is not visible from surrounding streets and does not impact the light and air of adjacent buildings; (FF 22.)
- b. The height of the cooling towers is necessitated by the size of the building, but the remainder of the mechanical equipment does not need to be of the same height. Therefore, providing a separate height for the cooling towers allows the rest of the mechanical equipment to be at a lower, less visually intrusive height that will not impact the light and air of adjacent buildings; and (FF 22.);
- c. By not enclosing the cooling towers entirely, the screen wall is able to meet the setback requirements and will be less visually intrusive than if it screened the cooling towers entirely. Therefore, the screening relief will not negatively impact the light and air of adjacent buildings and is consistent with the intent of the Zoning Regulations (FF 22).

“Great Weight” to the Recommendations of OP

25. The Commission must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8) (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
26. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“Great Weight” to the Written Report of the ANC

27. The Commission must give “great weight” to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); see Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

28. The Commission notes that the ANC Report did not raise any issues or concerns regarding the Renovation. The Commission notes the ANC Report’s support for the Applications persuasive and concurs in that judgment.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the application for the following, subject to the following guidelines, conditions, and standards (whenever compliance is required prior to, on or during a certain time, the timing of the obligation is noted in **bold and underlined** text)::

- Further Processing under the Foggy Bottom Campus Plan of 2006-2025; (Subtitle X § 101.9)
 - Lot Occupancy Relief; (Subtitle G § 304.1)
 - Penthouse Setbacks; (Subtitle C § 1502)
 - Penthouse Mechanical Height; and (Subtitle C § 1500.8)
 - Penthouse Mechanical Screening; (Subtitle C § 1500.9.)
1. **Renovation Development**. The Renovation shall be built in accordance with the plans and elevations dated November 8, 2019, and marked as Exhibit 13F of the record as amended and updated by the plans dated December 2, 2019, and marked as Exhibits 21A and 21B (collectively the “**Approved Plans**”), except for flexibility from the Approved Plans in the following areas:
- a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Approved Plans or as approved by the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs;
 - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Approved Plans, or as required to secure final approval from the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d. To provide a range in the approved number of dwelling units and number of beds of plus or minus 10%;

- e. To vary the location, attributes, and general design of the approved streetscape and public space to comply with the requirements of, and the approval by, the DDOT Public Space Division;
 - f. To vary the final landscaping materials on private property as shown on the Approved Plans based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
 - g. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Renovation provides a minimum of 2,000 square feet of solar panels;
 - h. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems;
 - i. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming; and
 - j. To vary the final design of the ground-floor signage, awnings, canopies, and similar features to accommodate the specific uses within the building or as approved by the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs.
2. **Bicycle Parking.** **For the life of the Renovation,** the Renovation shall provide 36 long-term bicycle parking spaces and, subject to approval by public space officials, 36 short-term bicycle parking spaces.
3. **Loading Management Plan.**
- a. A loading dock manager will be designated by the University. The dock manager will coordinate with the office of GW Housing and the dining hall operator to schedule deliveries;
 - b. All loading, delivery, and trash collection activity will be required to take place in the alleyway remaining on private property at all times;
 - c. The dock manager will schedule deliveries and ensure loading area capacity is not exceeded. In the case of unscheduled deliveries arriving while the loading area is full, the driver will be directed to return at a different time so as to not impede traffic flow on any adjacent streets;
 - d. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 –

Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;

- e. The dock manager will be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The dock manager will also post these documents in a prominent location within the service area; and
 - f. The dock manager and/or a representative of the University will be on call during scheduled deliveries to address compliance issues.
4. The application approved by the Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order as required by Subtitle Z § 702.3.

VOTE (Dec. 2, 2019): 5-0-0 (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 06-11R shall become final and effective upon publication in the *D.C. Register*; that is, on March 13, 2020.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.