

April 22, 2014

VIA HAND DELIVERY

Mr. Anthony Hood, Chairman
Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

Re **Z.C. Case No. 06-11/06-12 – GW Foggy Bottom Campus Plan**
Application for Minor Modification to the Campus Plan / PUD Order

Dear Chairman Hood and Members of the Commission

Enclosed please find an application from the George Washington University (“University”) for approval for a minor modification to Z C Order No 06-11/06-12 (“Campus Plan / PUD Order”) (Exhibit A) to clarify that the proposed university use of leased space on two floors in a building proposed to be constructed by Hillel at the George Washington University (“Hillel”) at 2300 H Street NW (“Property”) does not require second-stage PUD approval. The University has submitted an application for an amendment to the campus plan and further processing of the campus to approve the proposed university use under separate cover. As generally described below, the University is seeking this approval at the request of Hillel in order to provide the financial assistance necessary to construct the new facility.

Background

The Property is located in Square 42 at the intersection of 23rd and H Street NW. The location of the Property is shown on Exhibit B. The Property has been used by Hillel as a place of worship since the mid-1980s. The existing facility no longer meets Hillel’s needs, and so Hillel proposes to demolish the existing improvements and construct a new four-story building (“Project”). The Project is the subject of BZA Application No 18764, which is scheduled for public hearing on June 3, 2014.

Hillel will own and operate the entire Project, and is constructing the Project to accommodate both its existing and future programmatic needs. However, as a small nonprofit, Hillel requires assistance in financing the cost of construction and maintenance of the Project. In order to help finance the cost of constructing the new facility, Hillel proposed to lease two floors of the new facility to the University, containing approximately 9,150 square feet of gross floor area. As set forth in the letter from Hillel attached as Exhibit C, revenue from the University’s

ZONING COMMISSION
District of Columbia

space will contribute greatly to the cost of construction in the near term, and allow Hillel to construct a building now that will accommodate its future needs

Summary of Minor Modification

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, who is the owner of the Property and the proposed Project. The University merely plans to lease approximately 9,150 square feet of space in the Project through a conventional lease (not a ground lease). The University will have no ownership or long-term property interest in the Property. The University use is proposed solely to help facilitate and fund the construction of the Project.

Accordingly, the University requests that the Zoning Commission approve a modification to the Campus Plan / PUD Order that would clarify that the proposed University use does not require PUD approval. Specifically, the University proposes the following language:

PUD approval is not required for additional density or change in use associated with university use approved in Z C Order No. [06-11L/06-12L] that is located within the proposed development to be undertaken by Hillel on Square 42, Lots 820 and 840.

This language could be inserted in the Campus Plan / PUD Order as either subsection d of Condition P-2 or as a footnote to Condition P-2.

The University respectfully requests that the Commission process this clarification as a minor modification. The requested clarification language is a modification of little or no consequence to the overall Campus Plan / PUD Order for the following reasons:

- **First, the amount of additional space is truly minor.** 9,150 square feet represents a half-percent (0.5%) of the total amount of additional space approved for campus development in the Foggy Bottom Campus Plan / PUD.
- **Second, the PUD process is not appropriate for the Property or Project.** 9,150 square feet of gross floor area is a de minimis amount of area in the context of most PUDs and certainly within the context of the Foggy Bottom Campus Plan / PUD. Indeed, the Property itself has a land area of only 4,575 square feet, which is well below the minimum size for a PUD.
- **Third, the issue arises out of the University's desire to partner with Hillel and support the construction of Hillel's new facility.** This is a unique set of circumstances, which is prompted not by the University's development needs but by an attempt to accommodate the needs of a place of worship that has served the needs

of GW students, faculty and staff, as well as the broader community, for many years. The issue will therefore not create a precedent for future modifications of the PUD

- **Fourth and finally, the hearing on the campus plan and further processing request will provide for a full discussion and evaluation of the impacts associated with the proposed University use.**

For these reasons, the University believes that it is appropriate to review the above clarification as a minor modification

Conclusion

The University looks forward to presenting the special exception application for the campus plan amendment and further processing at an upcoming public hearing. Regarding the minor modification, the University respectfully requests that the Commission schedule the minor modification for an upcoming public meeting in the near future solely for the purpose of confirming that the requested modification is minor. Assuming that the Commission agrees that the matter is minor, the Commission's vote regarding the substance of the minor modification could then be held in abeyance until the vote on the campus plan amendment and further processing request.

Please contact Dave at (202) 721-1137 with any questions

Sincerely,



David Avitabile

Attachments

cc Charles Barber / Alicia Knight

CERTIFICATE OF SERVICE

On April 22, 2014, I caused a copy of the foregoing letter and enclosure to be delivered by hand, electronic mail, or by U.S. Mail to the following

Paul Goldstein
D.C. Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024

Advisory Neighborhood Commission 2A
West End Branch Library
1101 24th Street, NW
Washington, DC 20037

West End Citizens Association
c/o Barbara Kahlow
800 25th Street, NW #704
Washington, DC 20037

Jonathan Rogers
District Department of Transportation
55 M Street SE, 5th Floor
Washington, DC 20003

President, Foggy Bottom Association
c/o Samira Kristina Azzam
1001 26th Street, NW #406
Washington, DC 20037

A handwritten signature in black ink, appearing to read 'David Avitabile', is written over a horizontal line.

David Avitabile



BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA



FORM 151 – APPLICATION FOR MINOR MODIFICATION

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 06-11/06-12

Motion for Minor Modification to: ☒ Final Order ☐ Approved Plan ☐ Amount of Relief ☐ Other _____

Address or boundary description of the premises: Foggy Bottom Campus of the George Washington University
(Minor modification tied only to 2300 H Street NW)

Square No.(s) 42 Lot No. (s) 820, 840 ANC 2A

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) should grant your motion, including relevant references to the Zoning Regulations or Map.

See attached

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of April, 2014

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, and the Office of Planning on

the above referenced ZC case via: ☐ Mailed letter ☒ Hand delivery ☐ E-Mail ☐ Other _____

Signature:

Print Name: David Avitabile

Firm/Organization: Goulston & Storrs

Address: 1999 K Street NW, 5th Floor, Washington DC 20006

Phone No.: 202-721-1137 E-Mail: davitabile@goulstonstorrs.com

To be notified of hearing and decision: (Applicant or Authorized Agent)

In the event an authorized agent files an application on behalf of the Applicant for the Minor Modification, a letter signed by the Applicant for the Minor Modification authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: David Avitabile

Address: Goulston & Storrs, 1999 K Street NW, 5th Floor, Washington DC 20006

Phone No.: 202-721-1137 E-Mail: davitabile@goulstonstorrs.com