GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 03-29A
Z.C. Case No. 03-29A
(PUD Modification – The George Washington University –
Square 103 Residence Hall)
March 14, 2005

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public meeting on March 14, 2005. At the meeting, the Zoning Commission approved an application from The George Washington University (the "University") for a minor modification to a planned unit development ("PUD") pursuant to Chapter 24 the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Because the modification was deemed minor, a public hearing was not conducted.

The Zoning Commission determined that this modification request is properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Zoning Commission Order No. 03-29, dated June 18, 2004, the Zoning Commission approved the University's application for consolidated review and one-step approval of a PUD for the property located in Square 103, Lot 817. The Zoning Commission Order approved the development of a new residence hall to provide approximately 379 undergraduate student beds and ground floor retail space.

The approved plans for the proposed residence hall included an enhanced streetscape plan in front of the new building. The enhanced streetscape plan provided for the construction of two planters flanking the building's main entrance on F Street, both of which were to be planted with white crepe myrtle trees and other plantings.

By letter dated January 11, 2005, the University requested a minor modification to Zoning Commission Order 03-29 pursuant to § 3030 of the D.C. Zoning Regulations. The letter stated that PEPCO had notified the University of their requirement for construction of three electrical vaults in conjunction with the new residence hall. As shown on Attachment A to the letter, the design approved in Zoning Commission Order 03-29 included only two vaults, located to the east of the building's main entrance on F Street. The University, therefore, requested a modification of the streetscape plan to allow placement of the additional vault adjacent to the original two vaults. As shown on Attachment B to the letter, the proposed modification entails

ZONING COMMISSION
District of Columbia
CASE NO.03-29A
EXHIBIT NO.8

the elimination of the center portion of the planter east of the entrance, resulting in the elimination of one of the white crepe myrtle trees and some additional plantings. The University proposes to preserve the low wall featured in the original design and to construct one small planter at each end of the transformer vault.

Pursuant to § 3030.11, the Director of the Office of Zoning placed the request for a minor modification on the Commission's Consent Agenda for its public meeting of March 14, 2005. During that meeting, the Commission voted 5-0-0 to approve the request for minor modification.

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Zoning Commission concludes that the University's proposed modification is minor and consistent with the intent of the consolidated one-step PUD approval made in Zoning Commission Order No. 03-29. The Zoning 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 approval of the modification is not inconsistent with the Comprehensive Plan, and 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 permit the construction of an additional electrical vault adjacent to the original two vaults proposed in the approved plans. The streetscape plan shall be modified as shown on the "Proposed Front Streetscape to Accommodate 3rd PEPCO Vault" plan prepared by Ayers/Saint/Gross and dated December, 20, 2004, which is "Attachment B" to the letter marked as Exhibit 1 in the record. All other provisions and conditions of Zoning Commission Order 03-29 remain in effect.

The University shall record a "Notice of Modification" of Zoning Commission Order No. 03-29 in the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 03-29 and this Order (Zoning Commission Order No. 03-29A), which the Director of the Office of Zoning has certified. Such covenant shall bind the University and all successors in title to the requirements of this Order or amendment thereof by the Zoning Commission.

Vote of the Zoning Commission taken at the public meeting on March 14, 2005: 5-0-0 (Carol J. Mitten, Anthony J. Hood, Kevin Hildebrand, John G. Parsons and Gregory N. Jeffries to approve).

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 OCT 28 2005.

CAROL J. MITTEN
CHAIRMAN
ZONING COMMISSION

JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 03-29A

As Secretary to the Commission, I herby certify that on OCT 2 4 2005, copies of this Z.C. Order No. 03-29A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

2. Maureen E. Dwyer, Esq.
Allison C. Prince, Esq.
Ashleigh D. Horne, Esq.
Shaw Pittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037

3. Vince Micone, Chair
ANC 2A
St. Mary's Court
725 24th Street, NW
Washington, DC 20037

4. Commissioner Vincent Micone
ANC/SMD 2A06
1099 22nd Street, NW #1005
Washington, DC 20037

5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

6. Councilmember Jack Evans

7. Office of Planning (Ellen McCarthy)

8. Ken Laden, DDOT

9. Zoning Administrator

10. Councilmember Jack Evans

11. Office of the Attorney General
(Alan Bergstein)

12. Julie Lee
General Counsel
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002

13. Sigma Alpha Epsilon Foundation
c/o Frank C. Ginocchio, Esq.
310 Hawser Lane
Naples, FL 34102

14. Sigma Alpha Epsilon Foundation
Attn: Beth Taylor, Director of Finance
1856 Sheridan Road
Evanston, IL 60201-3837

ATTESTED BY: Sharon S. Schellin

Sharon S. Schellin
Acting Secretary to the Zoning Commission
Office of Zoning