Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 05-11

As Secretary to the Commission, I herby certify that on AUG - 5 2005 copies of this Z C. Order No 05-11 were mailed first class, postage prepaid or sent by inter-office government mail to the following.

1 *D C Register*

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7 Office of Planning (Ellen McCarthy)

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9 Zoning Administrator

10 Office of the Attorney General

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

ZONING COMMISSION
District of Columbia
CASE NO. 05-11
EXHIBIT NO. 16

ZONING COMMISSION
District of Columbia
CASE NO.05-11
EXHIBIT NO.16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 05-11
Z.C. Case No. 05-11
(George Washington University – Special Exception to Approved Campus Plan & Further Processing)
May 16, 2005

Application No 05-11 of The George Washington University (the "Applicant" or the "University") for special exception relief, pursuant to §§ 210 and 3104.1 of the Zoning Regulations for further processing, pursuant to an approved Campus Plan to authorize the renovation and addition to an existing university building to be used as a food service venue on the campus of the University in an R-5-D district at premises 2036 G Street, N W (Lot 816, Square 103)

HEARING DATE: May 16, 2005

DECISION DATE: May 16, 2005 (Bench Decision)

SUMMARY ORDER

1 Advisory Neighborhood Commission ("ANC") 2A was a party in this proceeding.

2 Pursuant to Commission practices relating to Campus Plans, the application was not accompanied by a self-certification form or memorandum from the Zoning Administrator certifying the required zoning relief

3 The Applicant submitted a plan for developing the campus as whole, showing the location, height, and bulk of all present and proposed improvement as required by 11 DCMR § 210 4. The Board of Zoning Adjustment ("BZA") approved that plan by Order dated March 29, 2001 The Board clarified that Order, on remand, by Order dated January 23, 2002 A University representative testified at the public hearing that the University is in compliance with the applicable conditions of that Order

4 The Commission provided proper and timely notice of public hearing on this application by publication in the *D C Register* and by mail to ANC 2A, the Office of Planning ("OP"), and to owners of property within 200 feet of the site

5 The OP submitted a memorandum dated April 29, 2005, stating that the application meets the requirements of the Zoning Regulations and, for that reason, recommended its approval

6 The Commission is required under § 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 (2001), to give great weight to OP recommendations. The Commission carefully considered the OP report and accepts its findings and recommendation.

7 By letter dated April 24, 2005, the ANC stated that it has properly voted unanimously to support the application contingent upon the Applicant's agreement to alter its proposed plan reducing the number of outside tables by nine (9) and outside seats by eighteen (18) and to maintain the outside area that is directly affected thereby as open space

8 As directed by 11 DCMR § 3119 2, the Commission requires the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104 1 and 210 No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party

9 Under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D C Law 13-135, D.C. Code §1-309 10(d) (3) (a)), the Commission must give great weight to the issues and concerns raised in the written report of the affected Commission. By sworn oral testimony at the public hearing the Applicant's representative agreed to amend the proposed outside table and seating plan as requested by the ANC

10 As directed by 11 DCMR § 3119 2, the Commission requires the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1 and 210 No parties appeared at the public hearing in opposition to the application Accordingly, a decision by the Commission to grant this application would not be adverse to any party

11 Based upon the record before the Commission and having given great weight to the Office of Planning and ANC reports filed in this case, the Commission concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3104 1 and 210 that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map

12 Pursuant to 11 DCMR § 3100 5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that the Order of the Commission be accompanied by findings of Fact and Conclusions of Law It is, therefore, **ORDERED** that this

application be **GRANTED** subject to compliance with the amendment agreed to by the Applicant, as stated in paragraph 7 of this Order

VOTE: 4-0-1 (Carol J Mitten, Anthony J Hood, Kevin L. Hildebrand, and Gregory N Jeffries to approve, John G Parsons, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS. FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: AUG - 1 2005

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES UNDER 11 DCMR § 3125 9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER