

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Matt Jesick, Development Review Specialist
MBR Maxine Brown-Roberts, Associate Director for Development Review

DATE: September 14, 2026

SUBJECT: ZC #06-11AA and #06-12AA – 2100 Pennsylvania Avenue, NW
 Modification Without Hearing to a proffer of an approved PUD and related Map Amendment (ZC #06-11O and #06-12O)

I. BACKGROUND AND RECOMMENDATION

On March 13, 2017, the Zoning Commission approved case numbers 06-11O and 06-12O, a combination of The George Washington University Foggy Bottom Campus Plan amendment, first stage PUD modification, related map amendment, and second stage PUD to allow the construction of a mixed use office building at 2100 Pennsylvania Avenue, NW. The PUD included a number of proffered public benefits, including the provision of a daycare center within the building.¹ Because of the inability of the owner to secure a daycare tenant after multiple, repeated attempts, they now seek to modify the approval to allow retail, or service uses in the space previously allocated to daycare use. The applicant also proffers substitute benefits to support neighborhood-serving retail and social services.

The Office of Planning (OP) finds that this application can appropriately be considered a modification without hearing, as further discussed below. OP also finds that the changes proposed are generally consistent with the intent of the original approval and that the level of benefit conveyed through the revised proffers would be comparable to the level of benefit of the original proffer. OP, therefore, recommends **approval** of the requested modification.

II. APPLICATION-IN-BRIEF

Applicant	BXP 2100 Penn, LLC
Location	2100 Pennsylvania Ave., NW; Square 75, Lot 52; Ward 2, ANC 2A
Proposal	Delete approved proffer to provide daycare on site; replace space with retail or service use; add additional proffers as community benefits.

¹ Please refer to Condition B.6.a of ZC Order 06-11O and 06-12O, on page 33 of Exhibit 2C of the present application.

III. PROPOSED MODIFICATION AND ANALYSIS

The applicant proposes to delete Condition B.6.a of the original order to remove the requirement to provide a daycare for the life of the project. Condition B.6 currently reads as follows:

6. *Social services and facilities. For the life of the Project, the Project shall include a daycare facility available to both the tenants and the general public, subject to the granted flexibility for its location within the Project.*

The change is proposed because, over a number of years, the applicant has been unable to lease the space to a daycare provider. Please refer to Exhibit 2B, the applicant's affidavit, and 2F, the table of prospective tenants, for evidence of the efforts to lease the space and the current market requirements for daycare providers.

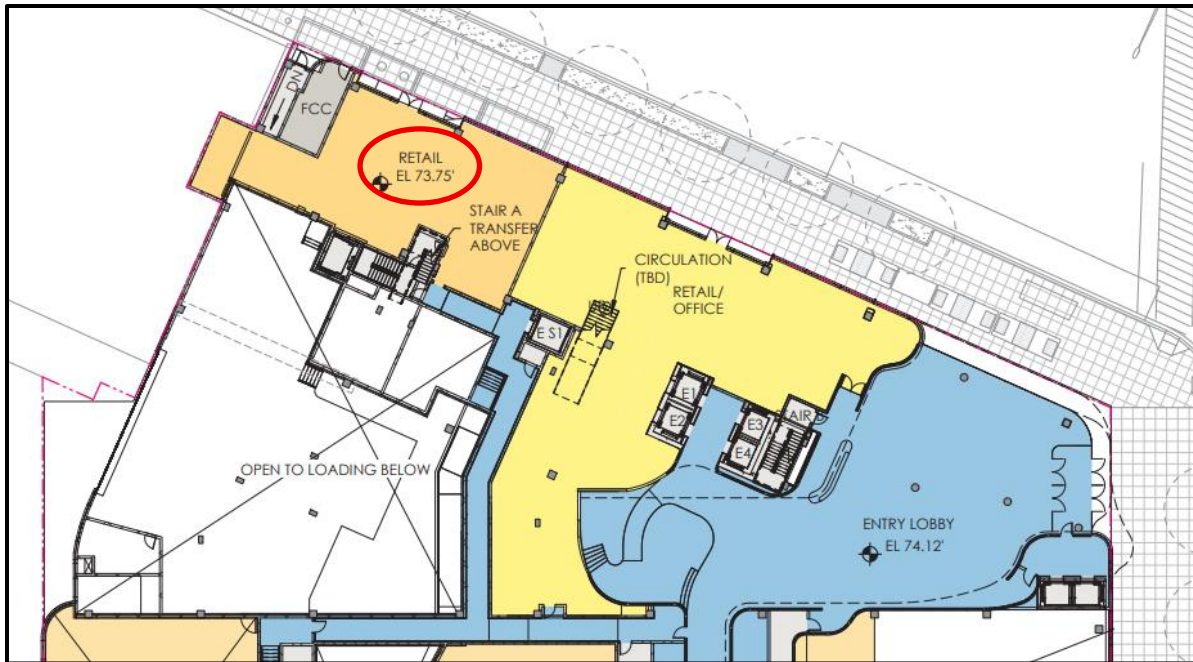
The original application viewed the provision of a daycare as a public benefit. In order to continue to provide a similar type of benefit to the community, the applicant proposes two new proffers:

- Contribute \$20,000 to the West End Library Friends to support library programming, including children's programs, and equipment to support the programming;
- Contribute a new Foggy Bottom / West End retail study, with the goal of providing recommendations to support retail attraction, increase foot traffic, and strengthen existing businesses.

In addition, allowing the space to be used by a retail or service use should in itself be a benefit. Those uses have the potential to activate the street, and certainly would more than a vacant storefront. Furthermore, the original PUD found ground level retail and street activation to be benefits of the project², and this change would further those goals. The applicant also proposes additional condition language that would prevent the space from being used for a nightclub. Please refer to Exhibit 2, p. 6. OP supports the proposed changes to the Order.

Subtitle Z § 703.6 states that a modification without hearing "is a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order...". OP finds that the proposed change from daycare to retail or service uses can be understood without witness testimony. The original approval identified the location in question as a potential retail bay. See, for example, [Exhibit 10F2](#), Sheet A-105:

² Please refer to paragraphs 43.b. and 43.i. of Exhibit 2C of the present application.



Also, as noted above, the original Order stated that street-activating retail is a benefit of the project. Furthermore, the applicant states that they have had significant outreach about the present modification with neighborhood stakeholders, over the span of years, explaining the difficulties that they have had in securing a daycare tenant, and discussing possible alternative ways of realizing a similar type of benefit for the community. Because of the nature of the change, to a use already included in the PUD and seen as a benefit of the project, and because of the outreach already conducted by the applicant, OP concludes that the Commission can consider the application a modification without hearing.