

District of Columbia Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director

DATE: June 13, 2014

SUBJECT: Application for Variance and Special Exception Related to Hillel at The George Washington University – ZC Case No 06-11L

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OFFICE OF PLANNING

I. APPLICATIONS OVERVIEW

The George Washington University (hereinafter, the “University”) and Hillel at The George Washington University (“Hillel”) (collectively, the “Applicant”) have filed three related requests for Zoning Commission (“Commission”) approval

- 1) Formerly styled Board of Zoning Adjustment (BZA) Case No 18764, an application for area variance relief for the construction of a new Hillel building At the May 12, 2014 public meeting, the Commission voted to take jurisdiction over the matter and consolidate the BZA application with the special exceptional request for the University use (Z C Case No 06-11L)¹,
- 2) Campus Plan amendment to the 2007 Foggy Bottom Campus Plan (Order 06-11) and Further Processing approval to permit University use of leased space on two floors in a building proposed to be constructed by Hillel at 2300 H Street NW, and
- 3) The Applicant previously filed a minor modification (06-11M/06-12M) to the Campus Plan PUD Order to exempt the University use within the proposed Hillel building from second-stage PUD approval. The Commission voted to hold the request in abeyance and to take up the matter at the June 23, 2014 hearing. OP references its earlier report, dated May 2, 2014, expressing no objection to the proposed change as a minor modification

II. RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested zoning relief for the construction of the new Hillel building and the Campus Plan amendment and Further Processing to permit the proposed University use, subject to the following conditions

- 1) A construction management agreement is achieved between the Applicant and St Mary’s Episcopal Church,
- 2) The University shall refrain from using the space within the Project for faculty and staff offices except for staff offices directly related to the student life uses within the Project²;
- 3) The University forgo the development of approved development Site 77D (Order No 06-12) as a square footage offset to the proposed expansion of University use³,
- 4) The Applicant explore a refinement to proposed roof structure materials and coloring to reduce potential visibility, and
- 5) The adoption of any DDOT related recommendations, including a limitation on the type of trash receptacles used

¹ The Applicant subsequently requested withdrawal of the BZA Application in a May 15, 2014 submission

² See pre-hearing submission dated June 9, 2014, page 6 This condition was proposed by the University based on discussions with ANC 2A

³ See pre-hearing submission dated June 9, 2014, page 6 This condition was proposed by the University based on discussions with ANC 2A

A use variance would be needed for any future non-conforming use in the proposed building. However, OP suggests that any resulting Order specifically acknowledge that this space is intended for future Hillel growth and not for other office or non-conforming uses

Additionally, although primarily a construction code issue, OP notes that the proposed building projections protruding into public space are a problematic feature of the project due to their excessive width. OP's Revitalization and Design Division participates in the review of public space permits, which includes building projections, and this point has been communicated to the Applicant by OP and the District Department of Transportation (DDOT). Through that process, the Applicant has been advised to reduce the extent of the projections to construction code standards. OP requests that if the application is ultimately approved by the Commission in the present design, that the resulting Order specifically emphasize that the displayed projections are in no way explicitly or implicitly approved by the Commission as a signal to any future code modification review.⁴

III. AREA AND SITE DESCRIPTION

Address	2300 H Street NW
Legal Description	Square 42, Lots 820 and 840 (hereinafter, the "Property")
Ward/ANC	2 / 2A
Lot Characteristics	The lot is rectangular in shape and measures 4,575 square feet of land area. It has frontage on H Street to the north and 23 rd Street to the east. It has no alley access.
Zoning	R-5-D a relatively high height and medium density residential use, among other permitted uses.
Existing Development	The Property is developed with a two-story building with some surface parking located off of H Street. The driveway is capable of parking four cars in tandem formation.
Historic District	N/A
Adjacent Properties	To the west of the Property is a 9-story residence hall owned by the University. To the south is St. Mary's Episcopal Church ("St. Mary's"). The application indicates that the portion of the St. Mary's property immediately adjacent to Hillel is a row dwelling currently rented out for residential use. Properties to the north and east, across H and 23 rd Streets respectively, contain University-related uses.
Surrounding Neighborhood Character	The immediately surrounding neighborhood character generally consists of a mix of institutional / University uses and multi-family residential uses. Among other locations, a cluster of low density residential use is located along New Hampshire to the west. The Property also is located approximately 1 block south of the Foggy Bottom Metro Station.

⁴ 2300 H Street NW includes two oriel projections on two facades with widths that far exceed the limit established in the construction code and are not in keeping with the intent of the regulation to produce an articulated and pedestrian scale façade. OP estimates that along both the H Street and 23rd Street facades, the oriel projections appear to be twice the width of what the construction code allows. In both cases they create a monolithic façade that the projection regulations are intended to prevent.

IV. ZONING RELIEF

a. Project Description in Brief

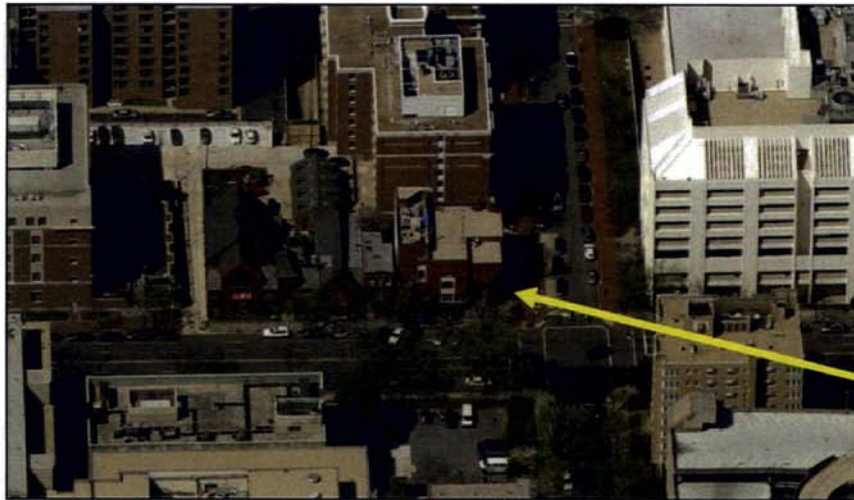
Applicant:	The George Washington University and the Hillel at The George Washington University
Proposal:	Hillel proposes to replace an existing facility with a larger building in the same location. The proposed building would include four-stories plus a basement and contain approximately 17,156 square feet of gross floor area. The proposed FAR of 3.75, which exceeds the 3.5 FAR limit by approximately 1,150 square feet, requires zoning relief. The building would measure 58.5' in height. It also would occupy 100% of the lot and have no rear yard, requiring relief from each respective zoning requirement. No parking (zoning relief requested) or loading (no zoning relief required) would be provided. The project targets LEED Silver standard. Notable features of the building would include a multi-story light well, which provides natural light to the building interior and reduces the building's floor area ratio, although not the massing as viewed from the street. The roof of the building is intended to house a Sukkah (a temporary hut structure for use during the Jewish festival of Sukkot) and accommodate other related activities. An existing curb cut along H Street would be closed. The project envisions the basement, first, and second floors devoted to Hillel use. Hillel principally serves the Jewish undergraduate and graduate student population. The basement space would contain a kosher food service facility and dining and student life space. The first floor would be the primary worship space and lobby, while the second floor would contain office and meeting space for student counseling. The third and fourth floors are intended as space to accommodate future Hillel growth. In the meantime, Hillel proposes to lease the space to the University for academic and student life uses for a 20-year term as a means to support the cost of construction.⁵
Relief Sought:	§ 402, area variance relief to exceed the maximum FAR § 403, area variance relief to exceed maximum lot occupancy § 404, area variance relief for a substandard rear yard § 411.11, special exception for a non-conforming rooftop structure § 2101, area variance relief from the minimum parking requirements

b. Images and Maps

Aerial view of the site (highlighted)



⁵ See letter from Hillel, Application 06-11M/06-12M, Exhibit C.



View of the of the Property looking west across 23rd Street property (highlighted) (shown in 2009 photo)



View of the Property looking southwest at 23rd and H Streets (google streetview)

c. Zoning Relief

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

<i>R-5-D Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot area (sq. ft.)	N/A	4,575	4,575	Conforms
Height (ft.)	90' max.	37.8' & 45.8'	61'	Conforms
Lot occupancy (percentage)	75% max.	75%	100%	Relief needed, excessive coverage
Rear yard (ft.)	19.5' min.	15' & 21'	0"	Relief needed, deficient setback
Floor area ratio (building gfa / lot area)	3.5 max.	~ 2.8	3.75	Relief needed, excessive FAR
Parking (spaces)	11 min.	1	0	Relief needed, deficient spaces
Loading berths	N/A	1	0	Conforms

In R-5-D zones, religious uses are permitted by right, while University use requires a special exception (which is addressed in Section V of the report).⁶ In addition to the highlighted variances for lot occupancy, rear yard, FAR, and parking, the Applicant seeks special exception relief from roof structure requirements.

Area Variance Relief (§§ 402, 403, 404 & 2101)

- **Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The Property is a corner lot that, according to information supplied by the Applicant, is smaller in size than other religious institutions in the vicinity as well as a sample of Jewish institution sites elsewhere in the District.⁷ But Hillel, a non-profit which has operated at the subject site for approximately 30 years, also has

⁶ A certificate of occupancy was issued for the use in 1988 as a "church" use.

⁷ OP is not assessing how aligned the missions of these various religious institutions are to Hillel for comparison purposes.

unique needs. First, its present location is vital. Having a facility on or near the University is integral to its mission of serving the University's Jewish student population. It presently is one of the few non-University owned sites within the University campus boundaries. The application also indicates that "few if any other available locations on or near the GW campus that could accommodate Hillel" in the same zip code (20037) based on a recent property review. Second, the Applicant indicates that the existing building, which was constructed in the 1980s, is no longer able to meet Hillel's religious and institutional needs. Third, the facility operationally must accommodate unique programmatic needs, including, a sanctuary and accessory space to accommodate a least 140 students for worship, a basement dining area and kosher kitchens, and student meeting, counseling, office, and educational programming space. Lastly, Hillel also anticipates that additional space will be needed to accommodate future program expansion.

These exceptional features create the following practical difficulties

1) Lot Occupancy and Rear Yard

Due to the exceptional condition of the site and the organization's mission, the strict application of the lot occupancy and rear yard regulations would create a practical difficulty to Hillel. The building design is driven by Hillel's religious and programmatic needs, which require sizable floorplates to accommodate assembly and food service, functions which likewise require a larger building core. The robust building core space incorporates 1) multiple stairways and larger corridors which are required for an assembly use, 2) wider stairways and a second elevator for the assembly use and occupant load proposed for the roof, 3) heightened plumbing requirements for the assembly use; and 4) exhaust shafts and service elevator for the kitchen use. Even with lot occupancy and rear yard variances, the building core reduces the useable square footage to about 2,500 square feet on the ground floor and about 2,300 square feet on the upper floors. In other words, complying with the 75% lot occupancy restriction and a 20' rear yard minimum would exacerbate the already constrained usable floor area and likely fragment Hillel programming (such as the assembly use) to multiple floors. Another trade-off for providing smaller conforming floorplates could be a taller, and potentially less operationally efficient, building designed to capture additional square footage. The project is proposed for 58' in height in a zone which permits up to 90'. Lastly, complying with the rear yard requirement also would have distinct implications for a corner site. It would impose a gap in the street wall, either along 23rd or H Streets, for little appreciable gain.

2) Floor Area Ratio

Similar considerations drive the FAR relief request. Although fashioned as a four-story building, the building would have a 3.75 FAR due to the introduction of light-wells spanning the building's second through fourth floors. Reducing the project by an additional 1,150 square feet (.25 FAR) to comply with the FAR maximum would create a practical difficulty for the Applicant. Losing a floor would limit future expansion space and reduce revenue from a leased tenant (the University) intended to fund the construction project. A partial top floor would impact Hillel's intended use of the roof space for outdoor religious space and programming. Alternative FAR conforming designs, such as reducing floor area on each floor, would impact the functionality of the worship space and create less efficient layouts.

3) Parking

Due to the relatively small lot size, corner location, and programmatic goals, accommodating 11 parking spaces on site would be practically difficult. There is little space to accommodate surface parking, especially if it was designed to permit front-in front-out movements. Underground parking would drastically impact planned Hillel operations and reduce ground floor and basement floor space in order to accommodate ramps. Even if underground parking was proposed, the application indicates that ramps would accommodate few parking spaces.

- **Can the relief be granted without substantial detriment to the public good?**

Relief should not cause substantial detriment to the public good. Hillel has operated a smaller facility at this location for decades, and a larger facility should not have an appreciably greater impact. The Applicant has supplied a shadow study to demonstrate that it should not create undue shadow impact for the church. Concerning parking, the elimination of the existing driveway and curb cut would be a positive enhancement of the public pedestrian space. And since Hillel serves the University student population, most visitors are expected to walk to the building for services or activities. The application also indicates that of the 5 staff members currently employed by Hillel, three of them take transit.

At the date of this report, ten letters of support have been filed to the record. Party status applications have been filed in opposition to the project by St. Mary's and the West End Citizen's Association (WECA). OP also understands that the Applicant is negotiating a construction management agreement to address concerns raised by St. Mary's, although no agreement has been reached at the time of this report. ANC 2A plans to submit a report to the record on June 19, 2014.

- **Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

As presently proposed, granting relief would not impair the intent, purpose and integrity of the Zoning Regulations and Map.

Special Exception Relief (§ 411.11)

The Applicant requests relief from § 411.11 for a roof structure that does not meet the 1:1 setback requirements. The roof structure would be approximately 16' tall but would only be set back 9' from the east façade and 11' from the north façade. The application indicates that the substandard setbacks are a product of the multiple stairways and elevator penthouses related to the building's core. The placement also is dictated by the Applicant's desire to retain sufficient space to accommodate religious ceremonies and programming on the roof. OP generally has no objection to the request, but does encourage the Applicant to further study materials and coloring to reduce any related visual impact of the roof structures.

V. CAMPUS PLAN AMENDMENT AND FURTHER PROCESSING

The application asserts that "[i]n 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."⁸ Although the subject site is located within the Campus Plan boundaries, it is not identified as a location for University use in the Campus Plan. The Applicant now seeks to amend the Campus Plan to allow University "campus life and academic/administrative uses" on the site. The Applicant additionally requests further processing approval under the amended Campus Plan to permit such use upon the completion of the project.

- *Section 210.1 Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of this section.*
- *Section 210.2 Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.*

The proposed use should not be objectionable to neighboring property. The University use would be located in a building within the campus boundaries and is positioned near other University or institutional

⁸ Applicant's April 22, 2014 submission, page 1.

uses The University use would not result in student population increase or an intensity of campus uses The University describes the use as “decompression space” that would accommodate programs and initiatives that are space constrained.⁹ The two floors would house campus-related student life space that may include student organizations, auxiliary services, and student activities, and academic uses for classroom space and faculty/staff office space In consultation with ANC 2A, the University also has agreed to “refrain from using the space within the Project for faculty and staff offices except for staff offices directly related to the student life uses within the Project”¹⁰ OP also does not anticipate that traffic should be adversely impacted, an assessment consistent with DDOT’s review¹¹

- *Section 210 3 In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the districts may be increased for specific buildings or structures, provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District In all other Residence Districts, similar bulk increases may also be permitted, provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts*

The Applicant indicates that the new University use would increase the overall campus FAR by .007 FAR, which is essentially a de minimis amount Additionally, the residentially-zoned portions of the campus would remain at 3 16 FAR, which is below the permitted 3 69 FAR approved in the Campus Plan To offset the square footage expansion of University use, the University has agreed to forgo the development of Site 77D, which was approved for 9,504 square feet of “Residential/Campus Life/Athletic Use” under the Campus Plan/PUD

- *Section 210 4 As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the 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*

Due to the close proximity of other University uses, limited square footage proposed, and the Property’s historic use by the University’s students, the proposed mixed-use campus life and academic/administrative designation would be consistent with the Campus Plan as a whole and compatible with nearby properties

- *Sections 210 5 & 210 6 These sections are not applicable*
- *Section 210 7 In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan*

⁹ *Id.* at page 2.

¹⁰ Applicant’s June 9, 2014 submission, page 9

¹¹ See DDOT’s June 13, 2014 submission

The project site has been designated for institutional use in the Comprehensive Plan ("Comp Plan") Future Land Use and Policy Maps and the proposed use is not inconsistent with that designation.



The proposed collaboration with Hillel is either encouraged or not inconsistent with the following Comp Plan guidance:

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 the uses and their prominence in the community, the city's institutions (along with the District itself) should be encourage 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.

EDU-3.2. Educational Partnerships

The array of learning institutions within the District is vitally important to the city and its residents, particularly its youth. Institutions of higher learning are involved in a myriad of community and educational partnerships to improve access to education, economic opportunities for District residents, and investment in the community at large ...

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.

NNW-1.1.6 Non-Profits and Private Service Organizations

Work with private service organizations and non-profit organizations in the Near Northwest area to ensure that their locations and operations do not create objectionable impacts on neighboring properties. In particular, the development plans of Georgetown and George Washington Universities should avoid impacts likely to become objectionable to surrounding residential areas and should aspire to improve such areas through improved landscaping, better lighting, safer pedestrian connections, and enhanced community policing.

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.

- *Section 210.8 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 floor area ratio (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*

The University has indicated that the use is within the FAR limit for the campus as a whole, and the University intends to submit an updated "FAR Report" to the official record for the application.

- *Section 3104: Special Exception Standards*

The proposed minor amount of University use within a building located within campus boundaries would be in harmony with the general purpose and intent of § 210 and should not adversely affect neighboring properties.

VI. AGENCY COMMENTS

DDOT submitted a report, dated June 13, 2014, expressing no objection to the requested relief "provided that the facility utilizes trash bins rather than large cars or dumpsters to facilitate quick trash pick-up." Among other findings, DDOT also expressed concerns regarding the proposed non-conforming building projections into public space. OP has not received any additional agency comments at the date of this report.

VII. COMMUNITY/ANC COMMENTS

ANC 2A filed a request on June 9, 2014 for a waiver from § 3012.5 to permit the ANC to file a written report within 7 days of the scheduled hearing. WECA submitted a party status application in opposition. To date, 10 letters of support for the project, either the BZA and/or Campus Plan amendment, have been submitted.