

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 23-10A**  
**Z.C. Case No. 23-10A**  
**Georgetown University**  
**(Modification with Hearing of Approved Design Review**  
**@ Square 569, Lot 864 and a portion of Lot 864)**  
**[120 F Street, N.W.]**  
**October 28, 2024**

Pursuant to notice, at a public hearing held on October 28, 2024, the Zoning Commission for the District of Columbia (“**Commission**”) considered the application (“**Application**”) of Georgetown University (“**Applicant**” or “**University**”) for a Modification with Hearing<sup>1</sup> to an approved design review granted in Z.C. Order No. 23-10 (the “**Order**”) for Lot 864 and a portion of Lot 865 in Square 569 (“**Property**”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “**Zoning Regulations**”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**\* SUMMARY ORDER \***

**FINDINGS OF FACT**

**BACKGROUND AND PRIOR APPROVAL**

1. The Property, which is part of the University’s Law Center, is bounded by 2<sup>nd</sup> Street NW to the west, a public alley to the south, and property controlled by the University to the north and east.
2. Pursuant to the Order, the Commission approved the construction of a new academic and administrative building on the Property containing approximately 164,478 square feet of gross floor area and measuring approximately 130 feet in height (“**Project**”).
3. The Order granted design review approval to allow a height of 130 feet pursuant to Subtitle I §§ 517.1(b) and 701.2. The Order also granted zoning flexibility for the location of the

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<sup>1</sup> The Application was filed as a “Modification of Significance,” but, pursuant to Z.C. Order No. 22-25, which became effective on August 2, 2024 during the pendency of the Application, the modification of significance process was renamed the “Modification with Hearing” process and certain citations were updated consistent with this change. All references in this Order are to the regulations in effect on October 28, 2024, the date of the Commission’s decision on the Application.

68 short-term bicycle parking spaces required for the Project, allowing such parking to be located on Lot 866, the lot to the north of the Property, and in public space beyond 120 feet of the primary entrance to the Project.

### **PARTIES**

4. The only party to the case was Advisory Neighborhood Commission (“**ANC**”) 6E, which includes the Property and is therefore an “Affected ANC” that is automatically a party to the Application pursuant to Subtitle Z § 403.5. There were no other parties to the original proceeding.
5. The Commission received no additional requests for party status.

### **NOTICE**

6. On June 14, 2024, the Applicant mailed a Notice of Intent to file the Application to:
  - ANC 6E
  - All property owners within 200 feet of the Property. (Ex. 2D.)
7. On August 9, 2024, the Applicant served the Application on ANC 6E, the sole party to the original proceeding other than the Applicant as well as the Office of Planning (“**OP**”) and the District Department of Transportation (“**DDOT**”), as attested to by the Certificate of Service submitted with the Application and in satisfaction of Subtitle Z § 704.6. (Ex. 2.)
8. On August 28, 2024, the Office of Zoning (“**OZ**”) sent the notice of the October 28, 2024 virtual public hearing to:
  - The Applicant
  - ANC 6E
  - ANC Single Member District (“**SMD**”) Commissioner 6E07, whose district includes the Property;
  - ANC SMD Commissioner 6E08;
  - Councilmember Charles Allen, the Ward 6 Councilmember, in whose Ward the Property is located;
  - The Office of ANC;
  - OP;
  - DDOT;
  - The Department of Buildings (“**DOB**”);
  - The Department of Energy and the Environment (“**DOEE**”);
  - The Chair and At-Large Members of the D.C. Council; and
  - The owners of all lots within 200 feet of the Property. (Ex. 3A, 3B.)
9. OZ also published notice of the October 28, 2024 virtual public hearing in the September 6, 2024 issue of the District of Columbia Register (71 DCR 010713 *et seq.*) as well as on the calendar on OZ’s website. (Ex. 3.)

10. The Applicant provided evidence that it had posted and maintained notice of the public hearing on the Property in compliance with Subtitle Z § 402. (Ex. 5, 10.)

### **THE APPLICATION AND RELIEF REQUESTED**

11. On August 9, 2024, the Applicant filed the Application requesting modifications to the Order to (1) replace short-term bicycle parking for the Project with a Law Center-wide bicycle parking plan and (2) update the approved plans to add upper-story building identification signage (together, the “**Modifications**”). (Ex. 2A.)
12. Bicycle Parking. The Modifications adjust how short-term bicycle parking is treated; instead of just providing new bicycle parking in the area immediately surrounding the Project, the University instead studied and proposed a holistic approach to increase and enhance short-term bicycle parking for the entire Law Center. As shown on the proposed bicycle parking plan submitted by the Applicant, the University will:
- Replace existing serpentine bicycle racks on two open spaces at the Law Center, the Dean Green and the Eleanor Holmes Norton Green, with inverted U-shaped bicycle racks;
  - Increase the number of bicycle spaces from 64 spaces to 90 spaces at the Dean Green;
  - Redesign the Dean Green with reconfigured landscaping and enhanced security measures; and
  - Maintain 64 spaces at the Eleanor Holmes Norton Green, but utilize U-shaped racks that are actually able to accommodate 64 bicycles. (Ex. 2A; Ex. 11)
13. Signage. The Modifications add building identification signage to the upper portion of the Project, as shown on the updated plans submitted by the Applicant. (Ex. 2A; Ex. 11.)

### **RELIEF REQUESTED**

14. As a part of the Modifications, the Application requested special exception approval pursuant to Subtitle C § 802.1 to eliminate short-term bicycle parking associated with the Project. (Ex. 2A.)

### **APPLICANT’S JUSTIFICATION**

15. The Applicant asserted that the Modifications met the requirements for modification of an approved design review pursuant to Subtitle I § 701.2 for the following reasons: (Ex. 2A.)
- The Property is not within a sub-area. (*I § 701.2(a)(1)*)
  - The Modifications are in context with the surrounding neighborhood and street patterns because they orient bicycle parking along the Greens (which are located along former east-west rights of way through the Law Center), they promote a more efficient use of the two Greens, and they add signage that is reflective of the urban downtown context of the Law Center. (*I § 701.2(a)(2)*)
  - The Modifications minimize conflict between vehicles and pedestrians through better-defined locations for bicycle parking and improved pedestrian experiences on the Greens. (*I § 701.2(a)(3)*)

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- The Modifications add further articulation to the Project's 2<sup>nd</sup> Street façade through the proposed signage. (*I § 701.2(a)(4)*)
  - The Modifications do not change the proposed sustainable features of the Project, which continue to include the measures set forth in the Order. (*I § 701.2(a)(5)*)
16. The Applicant asserted that the Modifications met the special exception standards set forth in Subtitle X, Chapter 9 for the following reasons: (Ex. 2A.)
- The Modifications are in harmony with the general purpose and intent of the Zoning Regulations because the signage maintains the high-quality architectural design of the Project and the Law Center-wide approach to bicycle parking is similar to the way bicycle parking is addressed for campuses that are subject to the formal campus plan process under Subtitle X, Chapter 1. (*X § 901.2(a)*)
  - The Modifications will not affect adversely the use of neighboring property because the signage is oriented to the commercial development to the west and the adjustments to bicycle parking at the Law Center will, together with other short-term bicycle parking provided at other Capitol Campus buildings, ensure that demand for bicycle parking is met on and near the campus. (*X § 901.2(b)*)
17. The Applicant asserted the special exception standards for relief from the short-term bicycle parking requirements set forth in Subtitle C § 807 and Subtitle X, Chapter 9 were met for the following reasons: (Ex. 2A.)
- Providing the required number of bicycle parking spaces at the Project is impractical and inefficient given the overall bicycle parking demand and needs for the Law Center as a whole. (*C § 807.1*)
  - The Project will not generate demand for additional bicycle parking because it does not increase enrollment or otherwise add new uses to the Law Center, and the most effective way to address bicycle parking demand for the Law Center is on a holistic basis that improves the quality of bicycle parking and focuses on the highest-demand locations for the overall population. (*C § 807.2*)
  - The relief is proportionate to bicycle parking demand, as evidenced by the fact that there is already ample existing capacity to meet bicycle parking demand for the existing Law Center population, which is unchanged by the Project. (*C § 807.2*)
  - The relief is in harmony with the Zoning Regulations because it allows the University to provide bicycle parking on a campus-wide basis, consistent with how other university campuses manage bicycle parking. (*X § 901.2(a)*)
  - The relief will not adversely affect neighboring property because bicycle parking will continue to be more than sufficient to meet demand. (*X § 901.2(b)*)

#### **APPLICANT'S SUBMISSIONS**

18. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:
- The initial August 9, 2024 application and related materials requesting the Modifications (Ex. 2 & 2A-2I);
  - A September 27, 2024 submission (Ex. 6 & 6A-6B), which included a revised bicycle parking plan; and

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- Presentation materials for the October 28, 2024 virtual public hearing (Ex. 11).
19. On \_\_\_\_\_, the Applicant filed draft findings of fact and conclusions of law. (Ex. 12.) No other post-hearing submissions were submitted into the record of this case.

### **RESPONSES TO THE APPLICATION**

#### **OP**

20. OP filed an October 17, 2024 report that recommended approval of the Application. OP found that the proposed bicycle plan for the Law Center was more practical and useful to students, faculty, and visitors, and OP was not opposed to the addition of signage, as proposed. (Ex. 8.)
21. OP testified at the October 28, 2024 public hearing in support of the Application (Transcript [“Tr.”] at \_\_.)

#### **DDOT**

22. DDOT filed an October 18, 2024 report concluding it had no objection to the Application. DDOT supported relief from the bicycle parking requirements provided that the University add a small number of bicycle parking spaces and upgrade all bicycle racks to the inverted U-racks, and the University agreed to these changes. (Ex. 9.)
23. At the October 28, 2024 public hearing, DDOT testified in support of the Application (Tr. at \_\_.)

#### **ANC**

24. ANC 6E submitted a September 30, 2024 report stating that at its regularly scheduled and duly noticed September 24, 2024 public meeting, with a quorum present, ANC 6D voted unanimously to support the Application, including both the proposed signage and the revised bicycle parking plan. (Ex. 7.)

### **CONCLUSIONS OF LAW**

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (D.C. Code § 6-641.01), the Commission may approve a Downtown design review application as well as modifications thereto consistent with the requirements of Subtitle I § 702, Subtitle X, Chapter 6, and Subtitle Z, §§ 301 and 704. Pursuant to Subtitle Z § 704.4, the Commission’s evaluation of a modification with hearing is limited to the impact of the modification on the subject of the original application. The Commission concludes that, as modified by the Application, the Project continues to comply with the specific design review criteria set forth in Subtitle I § 702.2 and the special exception standards set forth in Subtitle X, Chapter 9.

2. As set forth in Subtitle X § 603.4 and pursuant to the authority granted by Section 8 of the Zoning Act (D.C. Code § 6-641.07(g)(2), the Commission is authorized to hear and approve requests for special exception relief simultaneously with a Design Review application, subject to satisfaction of all applicable special exception criteria, including the special exception standards set forth in Subtitle X, Chapter 9 and the specific conditions set forth in the Zoning Regulations. For the relief requested by the Application, the “specific conditions” are those of Subtitle C § 807. The Commission concludes that the Applicant’s request for special exception approval to eliminate short-term bicycle parking for the Project satisfies all applicable criteria.
3. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 704.6 to serve the Application on all parties to the original proceeding, in this case ANC 6E.

#### **“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

4. The Commission must give “great weight” to the recommendations of OP stated in the OP Report pursuant to § 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 (2018 Repl.) and Subtitle Z § 405.9). *Metropole Condo. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).
5. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

#### **“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC**

6. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Spring Valley-Wesley Heights Citizens Ass’n v. District of Columbia Zoning Comm’n*, 856 A.2d 1174, 1180 (D.C. 2004). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted).
7. The Commission finds ANC 6E’s recommendations to approve the Application persuasive and concurs in those judgments.

#### **SUMMARY ORDER**

8. Since no persons or parties appeared in opposition to the Application and the affected ANC supported the Application, a decision by the Commission to grant this Application would

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not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

### **DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a modification to Z.C. Order No. 23-10 for Z.C. Case No. 23-10A. The conditions in the Order remain unchanged and in effect, except as follows (deletions shown in ***~~bold italics and strikethrough text~~***; additions in ***bold italics and underlined text***):

#### **Project Development**

1. The Project shall be built in accordance with the plans and elevations dated June 27, 2023 (Ex. 14A1-14A13) as updated by the plans dated July 17, 2023 (Ex. 18D1-18D7) ***in the record of Z.C. Case No. 23-10, and as further updated by the plans dated October 28, 2024 in the record of Z.C. Case No. 23-10A (Ex. 11) (collectively,*** the "Final Plans"), ~~and with zoning flexibility to accommodate the location of short-term bicycle parking spaces,~~ ***and with relief from the short-term bicycle parking requirements,*** subject to the following areas of design flexibility:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
  - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans;
  - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights as well as the marquee element at the corner of 2nd and F Street (provided that the final design of this element shall not project further than five feet from the property line);
  - d. To vary the location, attributes, configuration, and other design features of the streetscape along 2nd Street, subject to approval by public space officials;
  - e. To vary the final streetscaping and landscaping materials on private property as shown on the Final Plans based on availability and suitability at the time of

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construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DOB, HPO, or other applicable regulatory bodies;

- f. To vary the amount, location and type of green roof, solar panels, bioretention areas, paved areas, and affected amenity spaces to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR of 0.2 and provides a minimum of 4,000 square feet of roof area containing solar panels and related equipment;
  - g. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems;
  - h. To vary the final design and layout of amenity spaces to reflect their final design and programming;
  - i. ~~To vary the final location of short-term bike parking, which may be located on the Property, on Lot 866 (i.e. the former F Street right of way), or on the public space adjacent to the Project, provided that (i) a minimum of 68 bike parking spaces are provided and (ii) should the F Street right-of-way reopen as a public street in the future, allow for short-term bike parking spaces to be relocated into the public space design for the street;~~
  - j. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage guidelines shown on the Final Plans and comply with the requirements of the Construction Codes; and
  - k. To adjust or eliminate the retail space's east entrance and otherwise vary the final design of the ground floor frontage's design features to accommodate the needs of its specific tenants and users.
2. The Applicant shall pursue a minimum of LEED Gold v4 certification. To demonstrate compliance with this condition, the Applicant shall (a) **prior to the issuance of a building permit**, submit evidence of registration with the U.S. Green Building Council as well as a copy of the current LEED scorecard; and (b) **prior to the issuance of a certificate of occupancy**, submit an updated scorecard to demonstrate the Project is on track to secure such certification.

### **Transportation Management Measures**

3. **For the life of the Project**, the Applicant shall adhere to the following Transportation Demand Management plan measures:



- a. The Applicant shall identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
  - b. The Transportation Coordinator(s) will develop, distribute, and market various transportation alternatives and options to users of the building, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day);
  - c. A minimum of 26 long-term bicycle parking spaces will be provided for the Project as shown on the Final Plans. At least two of the long-term spaces will be sized to accommodate cargo or tandem bicycles. At least three of the long-term spaces will be equipped with electrical outlets to charge electric bikes and scooters. At least 50% of the spaces will be located horizontally on the floor. There will be no fee for usage of the bicycle storage room;
  - ~~d. A minimum of 68 short-term bicycle parking spaces will be provided for the Project;~~
  - e. A minimum of six showers and 14 lockers will be provided for users of the Project as shown on the Final Plans; and
  - f. **Prior to the issuance of a certificate of occupancy**, the Applicant shall provide evidence that it has: (1) identified a location on the University's downtown campus, which includes the Law Center Campus and other adjacent and nearby properties, or in nearby public space for a new Capital Bikeshare station, with the final location to be coordinated with the District Department of Transportation and other relevant agencies; and (2) if a concrete pad is needed to accommodate the station, installed the concrete pad.
4. **Prior to the issuance of a certificate of occupancy, the Applicant shall provide evidence that it has:**
- a. **Replaced the seven existing serpentine style bicycle racks located on the Eleanor Holmes Norton Green with 32 inverted-U racks, for a total of 64 short-term bicycle spaces; and**
  - b. **Replaced the eight existing serpentine style bicycle racks on the Dean Green with 45 new inverted U-shaped bicycle racks for a total of 90 short-term bicycle spaces.**

## **General**

5. This Application approval shall be valid for a period of two years from the effective date of ~~this Order~~ **Z.C. Order No. 23-10 (that is, April 5, 2024)**. Within such time, an

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application for building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order. (Subtitle Z § 702.3.)

6. 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, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

**VOTE (October 28, 2024): 5-0-0** (Anthony J. Hood, Robert E. Miller, Gwen Wright, Joseph S. Imamura, and Tammy Stidham to **APPROVE**.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-10A shall become final and effective upon publication in the *DC Register*; that is, on                     , 2024.

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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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