

APPLICANT’S DRAFT ORDER

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 87-23A**

Z.C. Case No. 87-23A

The George Washington University

Modification with Hearing to an Approved Planned Unit Development

@ 2001 Pennsylvania Avenue, NW (Square 78, Lot 853)

June 8, 2026

Pursuant to notice, at its June 8, 2026, public hearing, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application” or “Modification”) of The George Washington University (the “Applicant” or “University”) that requested approval of a Modification with Hearing¹ pursuant to Subtitle Z § 704 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified) to the Planned Unit Development (“PUD”) and related Map Amendment approved by the Commission in Z.C. Order Nos. 563 and 563-A (collectively, the “Original Order”), for Lot 853 in Square 78 at 2001 Pennsylvania Avenue, NW (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z, Chapter 4. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

BACKGROUND

PROPERTY AND PRIOR APPROVALS

1. The Property is located on the Northwest corner of 20th Street, NW and I Street, NW in the Golden Triangle BID neighborhood of Ward 2.
2. Pursuant to Z.C. Order No. 563, effective April 8, 1988, the Zoning Commission approved a consolidated PUD that authorized construction of the 11-story mixed-use office and retail building on the Property (the “**Building**”).

¹ Pursuant to Subtitle A § 102.4, although the Original Order was vested under the 1958 Zoning Regulations under which it was evaluated and approved, the Application is subject to the current Zoning Regulations to the extent of the modifications.

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3. The overall PUD site included the Property, as well as the property located at 2011 Pennsylvania Avenue (Square 78, Lot 37) (the “**Pepperdine Building**”), currently owned by Pepperdine University (“**Pepperdine**”), and the property located at 2015 I Street, NW (Square 78, Lot 45) (the “**Arts Club Building**”), currently owned by The Arts Club of Washington (the “**Arts Club**”).
4. The PUD approved a transfer of approximately 37,000 square feet of density from the Arts Club Building and approximately 2,500 square feet from the Pepperdine Building to the Property.
5. Pursuant to Z.C. Order No. 563-A, effective February 3, 1995, the Zoning Commission approved a minor modification of the PUD to authorize the partial enclosure of an arcade at the front of the Pepperdine Building to permit the expansion of a restaurant within that building.

PARTIES

6. Pursuant to Subtitle Z § 403.5(a), the Applicant is automatically a party to the Modification.
7. Pursuant to Subtitle Z §§ 101.8 and 403.5(b), Advisory Neighborhood Commission (“**ANC**”) 2A and 2C are automatically parties to the Modification. ANC 2A is the ANC in which the Property is located.
8. Pepperdine, as successor-in-interest to the prior owner of the Pepperdine Building, and the Arts Club were parties to the PUD and thus were served with copies of the Modification.
9. The West End Citizens Association (“**WECA**”) submitted a request for party status on April 23, 2026 and was granted party status at the public hearing held on June 8, 2026. (Exhibit [“**Ex.**”] 22; Transcript June 8, 2026 [“**Tr.**”] at 6.)

NOTICE AND SETDOWN

10. Pursuant to Subtitle Z §§ 300.7 and 300.8, the University mailed a Notice of Intent to file the Application to ANCs 2A and 2C, the owners of all property within 200 feet of the Property, and each lessee having a lease for all or part of the building located on the Property on June 2, 2025. (Ex. 3D)
11. Pursuant to Subtitle Z § 300.9, prior to filing the Modification, the Applicant presented the Modification to ANC 2A at a regularly scheduled monthly meeting held on July 16, 2025 and to ANC 2C at a regularly scheduled monthly meeting held on June 10, 2025. (Ex. 3D)

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12. Pursuant to Subtitle Z §§ 400.9-400.12, on March 12, 2026, at its duly noticed public meeting, the Commission considered the Modification and voted to set the case down for a public hearing.
13. Pursuant to Subtitle Z §§ 402.1-402.2 and 402.6, on April 8, 2026, the Office of Zoning (“OZ”) sent notice of the June 8, 2026 public hearing concerning the Modification to:
 - (a) The Applicant;
 - (b) ANC 2A;
 - (c) ANC 2C;
 - (d) Single Member District (“SMD”) 2A08, whose district includes the Property;
 - (e) SMD 2C02;
 - (f) The Arts Club;
 - (g) Pepperdine;
 - (h) The Office of the ANCs;
 - (i) The Ward 2 Councilmember in whose district the Property is located;
 - (j) The Chair and At-Large Members of the D.C. Council;
 - (k) The Office of Planning (“OP”);
 - (l) The Department of Buildings (“DOB”);
 - (m) The Department of Energy and the Environment (“DOEE”);
 - (n) The District Department of Transportation (“DDOT”);
 - (o) The Office of Zoning Legal Division;
 - (p) The owners of property within 200 feet of the Property; and
 - (q) The tenants of the Property.(Ex. 21)
14. Pursuant to Subtitle Z § 402.1(a), OZ published notice of the June 8, 2026 public hearing concerning the Modification in the April 17, 2026 issue of the D.C. Register (73 DCR 006106 – 006109) as well as on the calendar on OZ’s website. (Ex. 19)
15. Pursuant to Subtitle Z §§ 402.3-402.4, 402.8-402.10, on April 28, 2026, the University submitted evidence that it had posted notices of the public hearing on the Property and on June 2, 2026 submitted evidence that it had thereafter maintained such notices. (Ex. 23 and 32)

THE APPLICATION

THE PROJECT

16. The University proposes to modify the PUD to permit (i) university use on a portion of the ground floor and upper stories of the Building, and (ii) signage at the ground floor and upper stories. In the near term, the University intends to use the currently vacant office space for administrative offices to reduce the University’s reliance on third-party leased

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space. As existing office leases at the Property naturally expire, the University will continue to fill those spaces. The University continues to consider its long-term vision for the Property, but it anticipates a mix of predominantly administrative use with some academic uses. (Ex. 3)

APPLICANT’S SUBMISSIONS, REVISIONS, AND TESTIMONY

17. Initial Application. On September 19, 2025, the University filed the Modification for review and approval of a modification of the PUD to (i) authorize university use in a portion of the ground floor and upper stories of the Building, and (ii) authorize building identification signage (the “**Project**”). (Ex. 3)
18. Prehearing Submission. On March 18, 2026, the University filed its prehearing submission containing the hearing fee calculator form, outlines of witness testimony, resume of its expert witness, and a certificate of compliance. (Ex. 17)
19. Applicant’s Responses to Arts Club. On December 11, 2025 and March 6, 2026, the University filed responses to issues and concerns raised by the Arts Club. (Ex. 5 & 14); however, the Arts Club later withdrew its opposition and indicated that the University had been responsive to the Arts Club’s concerns and questions. (Ex. 28.)
20. Applicant’s Pre-Hearing Statement. On March 18, 2026, the University filed its pre-hearing statement, including a list of its proposed witnesses for the public testimony, outlines of witness testimony, and expert resumes. The University also responded to comments from OP regarding the University’s planned uses for the Building, stating that the University continued to evaluate its planned uses and, to the extent possible, would provide additional information in advance of the public hearing. (Ex. 17)
21. Applicant’s Supplemental Submission. On May 8, 2026, the University filed a supplemental submission containing updated plans and its transportation statement. The supplemental submission also provided an update regarding the University’s engagement with the Arts Club, ANC 2A, and WECA. The supplemental submission also described the University’s commitment to re-open existing retail located at the nearby District House, located at 2121 H Street, NW (“District House”) to the public during weekday daytime hours as a public benefit to offset ANC 2A and WECA’s concerns regarding the reduction in the ground floor retail space at the Project that was previously approved as a public benefit of the PUD. The supplemental submission also included the University’s proposed conditions of approval for the Modification, including its commitment to file a modification application for Z.C. Case No. 06-11W/06-12W (the “District House PUD”) within 90 days of issuance of this final order and expiration of all applicable appeal periods. (Ex. 25)

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22. Applicant's Direct Presentation. In advance of the June 8, 2026 public hearing for the Modification, the University filed a presentation. (Ex. 34) At the public hearing, the University presented the Modification and addressed questions and concerns raised by the Commission and WECA.

- (a) The University provided testimony from three witnesses:
 - (i) Baxter Goodly, Vice President, Division of Safety and Operations, The George Washington University, Representative of the University;
 - (ii) Kevin Days, Executive Director of Government and Community Relations, The George Washington University, Representative of the University; and
 - (iii) Jami L. Milanovich, Principal, Wells + Associates, Transportation Consultant, admitted as an expert.
- (b) Mr. Days testified to the University's acquisition of the Property and the University's near-term and long-term intended plans for the future uses of the Property. Mr. Days discussed that the existing coffee shop on the west side of the ground floor would remain designated retail. Mr. Days also testified to the University's community engagement regarding the Project.
- (c) Ms. Milanovich testified to the University's requested flexibility for the short-term bicycle spaces. She also provided a summary of the University's Transportation Statement and TDM Plan.

(Tr.)

23. Applicant's Rebuttal. In response to testimony from WECA, as a party in opposition, counsel for the University explained:

- The University proffered a clear and enforceable set of conditions in its prehearing submission, including details on the timing of implementation of the District House retail public benefit;
- The University and its development partner were engaged in transparent and good faith negotiations with WECA and other neighborhood stakeholders over the concerns regarding implementation of ground-floor retail and daycare proffers in an unrelated PUD approved by the Zoning Commission at 2100 Pennsylvania Avenue NW;
- The University was willing to consider WECA's request to fund a \$25,000 contribution to St. Mary's Court's residential relief fund as an additional public benefit but could not commit to do so without an assurance that WECA would withdraw its opposition and allow the Modification to move forward expeditiously; and

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- The University had not proffered the university use in the Project’s eastern retail bay as “student-facing” because such a description was vague and could lead to enforcement challenges and, moreover, such use was not being proffered as a specific public benefit and so such a commitment was not warranted.

(Tr. at 65-69.)

24. Draft Findings of Fact and Conclusions of Law. Pursuant to Subtitle Z §601.1, on June 29, 2026, the University submitted its proposed findings of fact and conclusions of law. In its cover letter, the University explained that it had reached agreement with WECA on the proposed conditions of approval and the parties had independently agreed on an amicable resolution by which WECA would withhold further opposition and the University would contribute to the relief fund for St. Mary’s Court. (Ex. [REDACTED].)

JUSTIFICATION FOR RELIEF

RELIEF REQUESTED

25. The University requested that the Commission approve a Modification with Hearing to the approved PUD for the Property to authorize (i) university use in a portion of the ground floor and upper stories of the Building, and (ii) building identification signage. As part of the Modification, the University requested flexibility, pursuant to Subtitle X §§ 303.1 and 303.11, from the short-term bicycle parking number and to locate short-term bicycle parking spaces outside of the required 120-foot radius. The University proposed providing 40 long-term and 36 short-term bicycle parking spaces. (Ex. 3)

CONSISTENCY WITH PRIOR PUD APPROVALS (SUBTITLE Z § 704.4)

26. Pursuant to Subtitle Z § 704.4, the scope of a hearing for a “Modification with Hearing” “shall be limited to the impact of the modification on the subject of the original application and shall not permit the Commission to revisit its original decisions.”
27. The University asserted that the Modification was consistent with the PUD and constituted an appropriate evolution of the PUD to better meet current market demands. Whereas the mix of office and retail uses were appropriate at the time of the PUD approval, there is a surplus of vacant office and retail uses downtown today. The Modification would revise the mix of uses to incorporate university use and revitalize the partially vacant and underutilized Building. Architecturally, the proposed signage would respect the pair of cornices at the ninth and eleventh floor lines which were intended to relate to the cornices of nearby Buildings, per the PUD. (Ex. 3)

PUD BALANCING TEST (SUBTITLE X § 304.4)

28. The University asserted that the Modification continues to satisfy the PUD balancing test because the Modification does not request any additional development incentives or

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impose additional impacts. Rather, the Modification proposes new signage and to convert a portion of the Building to university use, which is matter-of-right in the D-5 Zone. The University asserted that the issuance of permits and certificates of occupancy for the Building demonstrated that the benefits of the PUD had previously been provided. The University asserted that the proposed change in use would provide added benefits to the PUD by reactivating the underutilized Building and promoting additional pedestrian traffic to support surrounding businesses as well as reopening District House’s retail. (Ex. 3; Ex. 25.)

Consistency with the Comprehensive Plan and Other Adopted Public Policies Related to the Property (Subtitle X 304.4(a))

29. The University asserted that the Modification was not inconsistent with the District of Columbia Comprehensive Plan (the “Comp Plan”), including when viewed through a racial equity lens. The University evaluated the Modification’s consistency with the Comp Plan pursuant to Subtitle Z § 704.4, limiting its analysis to the impact of the Modification. (Ex. 3, 3H)
30. The Property is located within an area that is designated for High Density Commercial on the Comp Plan’s Future Land Use Map (“FLUM”). The University asserted that the Project is not inconsistent with the mixed office and retail buildings that predominate this area and would revitalize the currently underutilized Building with new pedestrian traffic to help surrounding businesses. (Ex. 3H)
31. The Property is located within the Central Washington area on the Generalized Policy Map (“GPM”). The University asserted that the Project furthers the goals of the Central Washington Area Element by strengthening economic opportunities for both the University and the surrounding neighborhood. (Ex. 3H)
32. The District Elements of the Comp Plan include the following policies that are relevant to the Modification:
 - (a) Land Use Element: Policies that underscore the importance of institutional uses to the District’s economy, landscape, and history (10-A DCMR §317.4) as well as policies that focus on continued reinvestment in the Central Employment Area (“CEA”), where the Property is located. (§ 305.1)
 - (b) Urban Design Element: Policies that encourage design along main thoroughfares to reinforce the identity of the District and make a strong visual impact (§§ 906.3, 906.9). Policies that encourage “universal wayfinding” to showcase the character of various neighborhoods. (§ 911.7)
 - (c) Economic Development Element: The Economic Development Element notes that the University is one of the top two largest private employers in the District. (§ 710.1)

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- (d) Educational Facilities Element: Policies that encourage universities to commit to high-quality architecture and the adaptive reuse of historic buildings. (§ 1213.3)
33. The Property is located within the Central Washington Area Element. The University asserted that the Modification furthers the following policies of the Central Washington Element:
- (a) Promoting non-office uses, including educational uses, to create a vibrant downtown neighborhood. (§ 1608.4)
 - (b) Improving signage to attract tourists downtown and contribute to a visual identity for the Foggy Bottom/West End neighborhood. (§§ 1607.3, 1608.21, 1611.9)
 - (c) Maximizing economic opportunities by connecting students with businesses located downtown. (§1609.5)

No Unacceptable Project Impacts on the Surrounding Area or the Operation of City Services (Subtitle X § 304.4(b))

34. The University asserted that the Modification would not result in unacceptable impacts on the surrounding area or on city services. The proposed university uses resemble the existing office uses in terms of hours of operation and noise levels and, therefore, would have similar impacts. The University noted that the anticipated increase in pedestrian activity would be comparable to the originally intended activity levels for the office and retail uses when the PUD was initially approved. The University asserted that the proposed signage would likewise have no unacceptable impacts because it is consistent with other upper story illuminated signage in the surrounding area. (Ex. 3)

Public Benefits and Project Amenities (Subtitle X § 304.4(c))

35. The University asserted that the Commission previously approved a robust set of benefits and amenities for the PUD and the issuance of permits and certificates of occupancy for the Building demonstrated that all benefits were provided as required under the PUD. The University further asserted that the Modification would provide added benefits by reactivating the underutilized Building and promoting additional pedestrian traffic to support surrounding businesses. (Ex. 3)
36. In its Supplemental Submission, the University noted that, in response to community feedback, it had committed to (a) maintaining the western retail bay for retail use, and (b) providing public access to the retail space in District House during weekday daytime hours, thus maintaining the retail benefits in the original approval. Accordingly, the University asserted that the Modification continues to satisfy the overall balancing test. (Ex. 25)

RESPONSES TO THE APPLICATION

OP

37. On March 2, 2026, OP filed a report recommending that the Commission set the Application down for a public hearing. (Ex. 13, the “OP Setdown Report”). The OP Setdown Report analyzed the Modification under the Comp Plan, including evaluating it through a racial equity lens, and concluded that the Modification is not inconsistent with the Comp Plan’s maps or policies. OP concluded that the action was not anticipated to result in adverse equity impacts as it poses no risks of direct displacement, limited risk of indirect displacement, minimal effects on vulnerable populations, and maintains the community-serving coffee shop on the ground floor. OP concluded that the Modification would advance the 2024 Downtown Action Plan as a building ripe for conversion and that the Modification would add new foot traffic to the area. OP further concluded that the Modification was consistent with the original PUD and does not seek additional development incentives or create new impacts and, therefore, additional public benefits are not necessary to maintain the PUD’s overall balance. OP requested that the University provide additional information regarding the potential future uses for the Building. (Ex. 13)
38. On May 29, 2026, OP filed a hearing report recommending that the Commission approve the Modification (Ex. 30, the “OP Hearing Report”). OP reaffirmed its prior conclusions regarding consistency with the Comp Plan and the intent of the original PUD. OP acknowledged that the University had responded to OP’s request for additional information regarding the potential uses by stating that the University’s near-term plan was to move administrative office uses into the building and that the University’s long-term plan was to potentially incorporate academic programs, research institutes, or student support uses. OP stated that it understood that the University did not have a specific timeline or specific uses at this time, but that the general uses proposed are permitted in the zone and will help activate the Building. OP noted that the proposed university use would enable the reactivation of the currently vacant space within the Building and the “introduction of university use would provide an active, street-level presence as an alternative to the existing retail and office vacancies in the area and would help support surrounding neighborhood retail by providing a consistent client base.” OP further concluded that noise levels would be limited and comparable to other office uses and the Modification should not generate any adverse impacts on the surrounding area. (Ex. 30)
39. At the June 8, 2026 public hearing, OP testified in support of the Modification and summarized its comments in its prior reports, recommending that the Commission approve the Modification. OP noted that office conversions have become necessary to alleviate vacancies and reactivate nearby streets. OP testified that it considered the University’s initial proposal without the District House commitment sufficient for setdown given the long-existing PUD; however, OP was pleased to see that the University had enhanced its application through its continued communication with the community. (Tr. at 52-53)

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DDOT

40. On May 29, 2026, DDOT filed a report stating that it had no objection to the approval of the Modification provided the University commit to implementing the TDM Plan, as proposed in the Transportation Statement (Ex. 31, the “DDOT Report”). DDOT supported the proposed bicycle parking flexibility, including the proposed 40 long-term and 36 short-term bicycle parking spaces. (Ex. 31)

ANC 2A

41. On June 3, 2026, ANC 2A filed a report (the “ANC 2A Report”) stating that, at a duly-noticed public meeting held on May 20, 2026, with a quorum present, ANC 2A voted 6-0-0 to support the Modification. ANC 2A acknowledged the economic and structural restraints of the eastern bay of the ground floor and understood the University’s desire to fill the space with university use as opposed to allowing it to remain vacant. The ANC noted the good faith negotiations with the University regarding the Modification and acknowledged that the University had agreed to material modifications to the Application that would substantially address the ANC’s concerns. The ANC conditioned its support on (i) no modifications being made to the existing retail condition of the PUD with respect to the western by of the ground floor, (ii) the University’s commitment to reopen the ground floor retail space in District House for public use during weekday daytime hours, and (iii) the University’s commitment to filing an application to modify the District House PUD within 90 days of issuance of the final written order for this Modification. The ANC also requested that the University install clear, prominent, and publicly visible signage at District House indicating the days and hours during which the public may access it. The ANC encouraged the University to continue exploring opportunities throughout the Foggy Bottom neighborhood that would integrate student-facing uses with publicly accessible amenities to help strengthen the relationship between the University and the surrounding residential community. (Ex. 33)

ANC 2C

42. On May 23, 2026, ANC 2C filed a report (the “ANC 2C Report”) stating that, at a duly-noticed public meeting held on May 13, 2026, with a quorum present, ANC 2C voted 3-0-0 to support the Modification. ANC 2C made its support contingent on ANC 2A’s support and noted that ANC 2A had voted to support the Modification at their public meeting held on May 20, 2026. ANC 2C commended the University for its responsiveness to community feedback through its commitment to maintain retail use in the western bay of the ground floor as well as its commitment to re-open District House for public access during weekday daytime hours. (Ex. 29)

ORGANIZATIONS AND INDIVIDUALS IN SUPPORT

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43. On May 10, 2026, one individual, Matthew Neuendorf, submitted a letter in support of the Modification. Mr. Neuendorf explained that, as a civil engineer and advocate for urban development, he supported the Modification. He noted that, although it was not ideal to reduce the number of required bicycle parking spaces, he did agree that the neighborhood already provides sufficient bicycle amenities nearby. He also acknowledged the letters in opposition and stated that it was his preference that existing buildings in the community be used for university use rather than to sit vacant. (Ex. 26)

ORGANIZATIONS AND INDIVIDUALS IN OPPOSITION

44. By letters dated November 21, 2025 and January 12, 2026, the Arts Club filed letters in opposition to the Modification and moved to intervene. By letter filed May 20, 2026, the Arts Club later withdrew its opposition and motion, stating that the University had responded to the Arts Club’s concerns and questions. (Ex. 4; Ex. 12; Ex. 28.)
45. On May 5, 2026, Baron Bernstein, the owner of the Lombardy Hotel at 2019 Pennsylvania Avenue, NW, filed a letter objecting to the requested bicycle parking location flexibility. Mr. Bernstein noted that the hotel did not wish for any bike parking to be located at or near the entrance of the hotel because it could have a negative impact on their business as well as the visual aspects of the historic nature of the hotel. The letter stated that the hotel would prefer that the short-term bicycle spaces be located at the Property’s entrance. (Ex. 24)
46. At the public hearing on June 8, 2026, WECA testified in opposition and raised concerns regarding the reduction in required ground floor retail and replacement with university use. Specifically, WECA:
- Expressed concerns regarding prior satisfaction of ground-floor retail and daycare public benefit commitments in the 2100 Pennsylvania Avenue PUD;
 - Expressed concerns regarding the proposal to reopen the retail within the District House PUD, including its limited daytime weekday hours and its potential impact on student safety; and
 - Requested the University consider alternative public benefits, including a \$25,000 contribution to the “Resident Relief Fund” at St. Mary’s Court or free technical assistance by University students to all Foggy Bottom-West End residents who require IT support. (Ex. 22, 35)

CONCLUSIONS OF LAW

AUTHORITY

1. Pursuant to the authority granted by the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may

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approve a PUD and a modification with hearing pursuant to Subtitle X, Chapter 3 and Subtitle Z § 704.

2. PUD Purpose. Pursuant to Subtitle X §§ 300.1 and 300.2, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a building superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits and project amenities; (c) protects and advances the public health, safety, welfare, and convenience; and (d) does not circumvent the intent and purposes of the Zoning Regulations.
3. Comprehensive Plan. Pursuant to Subtitle X §§ 300.1, 300.2, and 304.4, the Commission must find that the PUD “is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.” The Commission is directed to review the Application against the Comprehensive Plan “as a whole.”² The Comprehensive Plan Act of 1984 (D.C. Law 5-75; D.C. Official Code § 1-306.01(b)) established the Comprehensive Plan’s purposes are:
 - (a) To define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development;
 - (b) To guide executive and legislative decisions on matters affecting the District and its citizens;
 - (c) To promote economic growth and jobs for District residents;
 - (d) To guide private and public development in order to achieve District and community goals;
 - (e) To maintain and enhance the natural and architectural assets of the District; and
 - (f) To assist in conservation, stabilization, and improvement of each neighborhood and community in the District.
4. Impacts. Pursuant to Subtitle X § 304.4(b), the Commission must find the PUD “does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”
5. Benefits and Amenities. Pursuant to Subtitle X § 304.4(c), the Commission must find the PUD “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” Pursuant to Subtitle X §§ 305.2, 305.3, 305.4, and 305.12, the PUD’s benefits and amenities must “benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions,” in majority part “relate to the geographic area of the Advisory Neighborhood Commission in which the application is proposed,” and “meet the following criteria: (a) Benefits shall be tangible and quantifiable items; (b) Benefits shall be measurable and able to be completed

² *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016).

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or arranged prior to issuance of a certificate of occupancy; (c) Benefits may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need.” Moreover, a PUD “may qualify for approval by being particularly strong in only one or a few categories of public benefits but must be acceptable in all proffered categories and superior in many.”

6. PUD Balancing Test. Pursuant to Subtitle X § 304.3, in reviewing a PUD application, the Commission must: “Judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” Pursuant to Subtitle X §§ 303.11 and 303.12: “The amount of flexibility from all other development standards not addressed by this section shall be at the discretion of the Zoning Commission”, and “[a] PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD.”
7. Second-Stage PUD. Pursuant to Subtitle X § 302.2, “[a] two-stage application has two parts: (1) The first-stage application involves general review of the site’s suitability as a PUD and any related map amendment; the appropriateness, character, scale, height, mixture of uses, and design of the uses proposed; and the compatibility of the proposed development with the Comprehensive Plan, and city-wide, ward, and area plans of the District of Columbia, and the other goals of the project; and (2) The second-stage application is a detailed site plan review to determine transportation management and mitigation, final building and landscape materials and compliance with the intent and purposes of the first-stage approval, and this title.” Pursuant to Subtitle X § 309.2, if the Commission finds the application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval, the Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Commission’s decision.
8. Modification Standards. Pursuant to Subtitle Z § 704.3, an application for a modification of a second-stage PUD “shall meet the requirements for, and be processed as, a second-stage PUD application.” Pursuant to Subtitle Z § 704.4, the scope of the Commission’s hearing to evaluate a modification with hearing “shall be limited to the impact of the modification on the subject of the original application and shall not permit the Commission to revisit its original decision.”
9. Evidentiary and Evaluative Standards. Pursuant to Subtitle X § 304.2, “the applicant shall carry the burden of justifying” the Application according to the applicable standards. Moreover, “the Commission must address each material contested issue of fact.”³

³ *Barry Farm Tenants and Allies Ass’n. v. D.C. Zoning Comm’n.*, 182 A.3d 1214, 1224 (D.C. 2018).

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**CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER ADOPTED PUBLIC POLICIES
RELATED TO THE PROPERTY (SUBTITLE X § 304.4(A))**

10. For the reasons explained in the above Findings of Fact, and based on OP’s analysis in the OP Setdown Report and OP Hearing Report, the Commission concludes that, pursuant to Subtitle X §§ 300.1, 300.2, and 304.4(a), the Application, when viewed through a racial equity lens, is not inconsistent with the Comprehensive Plan and with other public policies and active programs, when the Comprehensive Plan is considered as a whole.
11. The Modification is not inconsistent with the Comprehensive Plan. The Modification complies with the GPM and FLUM designations for the Property, as discussed above, and achieves the objectives of the Land Use Element, the Urban Design Element, the Economic Development Element, the Educational Facilities Element, and the Central Washington Area Element. The Commission gives OP’s analysis great weight on this issue. The Commission concludes that the University and OP’s submissions adequately analyze the Racial Equity Tool with respect to the Project and concurs that the University’s conversion of this downtown office building will help reactivate the surrounding area and, as a whole, further the Comp Plan and the Downtown Action Plan. (FF ¶ 38-40)

PROJECT IMPACTS – FAVORABLE, MITIGATED, OR ACCEPTABLE (SUBTITLE X § 304.4(B))

12. Based on the case record and the Findings of Facts above, the Commission concludes that for the reasons given below, the Project will not result in any unacceptable impacts on the surrounding area or District services or facilities that cannot be mitigated or that are not acceptable given the PUD’s benefits and amenities.
13. The Commission previously found that impacts of the PUD were acceptable given the quality of the public benefits provided, the impacts of the Overall PUD on the surrounding area and operation of city services were not unacceptable, and approved the PUD with conditions to ensure that any potential adverse effects on the surrounding area from the development would be mitigated. The Modification seeks approval to allow (i) university use in the eastern bay of the ground floor and upper stories of the Building, and (ii) ground floor and upper story signage. The Project will not alter the height or the density of the Building and the Modification does not seek additional development incentives. Accordingly, the Commission finds that the impacts of the Modification will not result in unacceptable impacts on the surrounding area or on the operation of city services and facilities.
 - (a) Location and Use. The Commission concludes that the proposed university use is similar to the existing office uses on the Property, including similar noise levels, and will not have any adverse impacts. Further, university use is a use that is otherwise allowed in the underlying zone as a matter of right. The reactivation of the partially vacant Building may result in an increase in pedestrian traffic in the surrounding area, but the Commission concurs with OP’s judgment that this additional pedestrian activity will help support surrounding businesses. The Commission concludes that the concerns raised by WECA regarding the reduction in ground floor retail are outweighed by the University’s commitment to retain the

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existing active retail in the western bay and its agreement to provide public access during weekday daytime hours to the existing retail located at District House as a public benefit. Further, the eastern bay has been vacant for several years and would prove challenging to procure a retail tenant due to the physical constraints of that space and the significantly weak market demand for retail in the surrounding area. As raised in submissions by the University and OP, there is more than 130,000 square feet of vacant retail within two blocks of the Property. Reducing those vacancies by filling the eastern bay with university use will drive activity to the Property and support existing retail in other nearby buildings.

- (b) Vehicle Circulation and Parking. The Commission concludes that Project will not have any adverse impacts with respect to vehicle circulation or parking. The University has requested flexibility to allow a portion of the short-term bicycle spaces to be located more than 120 feet from the entrance and to provide 40 long-term and 36-short term bicycle spaces. The Commission concludes that the flexibility proposed is reasonable and the Project is not anticipated to create any adverse impacts with respect to parking or vehicle circulation. (FF ¶ 38-40)

14. The Commission therefore finds that the Modification will not result in a material change to the potential adverse impacts of the PUD that the Commission previously considered, and any new potential impacts will be mitigated or will be acceptable given the quality of the public benefits and amenities.

PUD BALANCING AGAINST BENEFITS AND AMENITIES (SUBTITLE X §§ 304.3, 304.4(C))

15. The Commission previously determined that the PUD included significant public benefits and project amenities, and the Commission concludes these benefits have been provided. The Modification does not seek any additional development incentives and the Commission finds that the proposed change to university use, addition of signage, and request for flexibility from the short-term bicycle space and location requirements will have minimal impacts. The Commission further concludes that while the change to university use in the eastern retail bay represents a minor adjustment to the overall public benefits package, the impact does not materially impact the overall benefits balancing test, particularly since university use will also generate pedestrian activity and support other neighborhood retail. Finally, the University has agreed to reopen the District House retail space—which is similar in size to the eastern retail bay in the Project—to public access, thus offsetting any loss in retail in the neighborhood. Therefore, the Commission continues to find that to the extent there is any modest additional development flexibility or minimal reduction in retail space within the Project, the replacement benefits maintain the balancing of incentives and benefits and warrant approval of the Modification.
16. The Commission concludes that the University has carried its burden of justifying the request set forth in the Modification by providing substantial evidence, reasonably acceptable, as to each element of the Commission's review of the Modification as set forth above.

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17. The Commission considered, but did not find persuasive, the issues raised by WECA in their submissions and their testimony at the public hearing.
- WECA’s concerns regarding the 2100 Penn PUD are from an unrelated PUD and are not material to the Modification at hand.
 - WECA’s concerns regarding student safety and security at the District House, were addressed by the University’s representative who testified that the University would increase security guard presence in District House when its retail was open for public access.
 - WECA’s concerns regarding the limitation on District House’s retail to weekday daytime hours were addressed by the University’s representative who testified that the University desired to maintain the retail space as a student-only “third space” on nights and weekends, and so the proposal to allow partial public access struck a balance between the students’ needs and community’s desires.

The Commission also declined to require the University provide the additional public benefits proffered by WECA. The Commission concluded that the proposed “student tech support” proffer was too broad and onerous. The Commission noted the University’s willingness to consider the contribution to the St. Mary’s Court “Resident Relief Fund” but declined to require such a contribution because the Application already meets the balancing test and additional community benefits are not required.

18. The Commission considered, but did not find persuasive, the issues raised by the Lombardy Hotel. None of the proposed short-term bicycle parking spaces would be located near the entrance of the Lombardy Hotel; rather, they would only be located in public space abutting the Building, which the University’s consultant testified was located approximately 135 feet from the hotel’s entrance. The Commission is satisfied that the proposed location of the short-term bicycle spaces should not cause any adverse visual impacts on the hotel given the distance. (Tr. at 26-28.)
19. The Commission has made findings on “each material contested issue of fact.” In particular, the Commission notes that its function is to evaluate whether the Modification satisfies the applicable standards (including whether it “results in unacceptable project impacts on the surrounding area” and that, for a modification with hearing, the Commission’s evaluation “shall be limited to impact of the modification on the subject of the original application”). The Commission has made findings regarding contested issues involving the Modification’s potential impacts and the interpretation and application of various applicable provisions of the Comprehensive Plan and Zoning Regulations.

GREAT WEIGHT TO RECOMMENDATIONS OF OP

20. The Commission is required to give “great weight” to the recommendation of OP pursuant to Section 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.

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See Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016).

21. The Commission finds OP’s detailed analysis of the Modification, its overall conclusion that the Modification satisfies the PUD modification requirements and is not inconsistent with the Comprehensive Plan when viewed through a racial equity lens, and its ultimate recommendation to approve the Modification persuasive and concurs with OP’s recommendation. (FF ¶ 38-40)

GREAT WEIGHT TO THE WRITTEN REPORT OF THE AFFECTED ANCS

22. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANCs pursuant to Section 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. *Metropole Condo. Ass’n*, 141 A.3d at 1087. 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 Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
23. The ANC 2A Report stated that ANC 2A supports the Modification conditioned on the ground floor western bay remaining designated for retail use and the University’s commitment to reopen the ground floor retail space in District House for public use during weekday daytime hours. The University has committed to this public benefit and to applying for a modification of the District House PUD within 90 days of issuance of the final order for the Modification and expiration of all applicable appeal periods. (FF ¶ 35.)
24. The ANC 2C Report stated that ANC 2C also supports the Modification. ANC 2C also commended the University for its responsiveness to community feedback throughout the process. (FF ¶ 36.)
25. The Commission finds the ANCs’ support for the Project persuasive and concurs with the ANCs’ support for the Application, noting that the University has agreed to ANC 2A’s conditions.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the Modification with Hearing to an approved PUD for 2001 Pennsylvania Avenue, NW, subject to the following conditions:

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1. The University shall be permitted to modify the existing building to implement the Modified PUD as shown on the plans set forth in Exhibit 25A of the Record (the “**Modified Plans**”).
2. The Modified PUD shall contain a mixture of university, office, and retail uses as permitted in the D-5 Zone District. The ground floor uses shall be reserved as follows (and as shown on Page 0.03 of the Modified Plans):
 - (a) The western bay of the ground floor shall be reserved for retail space.
 - (b) The eastern bay of the ground floor shall be reserved for either retail or university use.
3. The University shall have flexibility from the number and location of short-term bicycle parking spaces. The Modified PUD shall provide a minimum of 40 long-term bicycle parking spaces and 36 short-term bicycle parking spaces as shown on the Modified Plans and may locate the short-term bicycle spaces further than 120 feet from the Building’s primary entrance, with flexibility to further adjust the number and location of short-term bicycle parking spaces in response to permitting requirements from public space officials.
4. The Modified PUD shall provide approximately 82 vehicle parking spaces.
5. Within 90 days of the issuance of the final written order and expiration of all applicable appeals periods (or, in the event an appeal is filed, the dismissal of the appeal), the University shall file an application to modify the District House PUD approved in Z.C. Order No. 06-11J/06-12J to restore public access to its retail spaces during weekday daytime hours, which application shall include details regarding the hours of operation for public access as well as a proposed signage plan.

VOTE (June 8, 2026): 3-0-2

(Anthony J. Hood, Robert E. Miller, and Joseph S. Imamura to APPROVE; Tammy Stidham and Gwen Wright not present, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 87-23A shall become final and effective upon publication in the *DC Register*; that is, on .

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

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

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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.