

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 16-18B**  
**Z.C. Case No. 16-18B**  
**Georgetown University**  
**(Modification of Consequence @ Square 1223, Lot 858)**  
**September 25, 2017**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on September 25, 2017. At that meeting, the Commission approved the application of Georgetown University (“University”) for a modification of consequence to the 2017-2036 Campus Plan approved in Z.C. Order No. 16-18 (“Campus Plan”). The property that is the subject of this modification is 1233 37<sup>th</sup> Street, N.W. (Square 1223, Lot 858) (“Property”). The modification request was pursuant to Condition 7 of the Campus Plan and § 703 of the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

**FINDINGS OF FACT**

1. As a part of the Campus Plan, the Commission approved the continued university use of certain townhouse properties located on portions of four blocks immediately east of the main campus property and 37<sup>th</sup> Street, N.W. Some of these properties are used for residential/campus life uses; others are used for academic/administrative uses. Condition 7 of the Campus Plan granted the University flexibility to change the use of these properties to either category of use over life of the Campus Plan, subject to approval by the Georgetown Community Partnership (“GCP”) and by the Commission as a modification of consequence.
2. The Property is known as the “Green House” and is currently used for residential uses, with a history of housing University faculty, staff, and members of the Jesuit community. By application dated July 14, 2017, the University sought to change the use of the Property to academic/administrative use supporting academic initiatives that further interdisciplinary research and educational programs at the University. (Exhibit [“Ex.”] 1.) As required by 11-Z DCMR § 703.13, all parties to the original Campus Plan proceedings were served with the application.
3. By letter dated May 24, 2017, the GCP approved the proposed change in use of the Property. (Ex. 1E.)

4. By report dated September 7, 2017, Advisory Neighborhood Commission (“ANC”) 2E, a party to the Campus Plan proceeding and the ANC within which the Property is located, filed a resolution in support of the application. (Ex. 6.) The Citizens Association of Georgetown (“CAG”), also a party to the Campus Plan and the association responsible for the neighborhood where the Property is located, filed a letter in support dated August 16, 2017. (Ex. 4.) No other party to the Campus Plan participated in the proceeding, and no party or person opposed the application.
5. By report dated August 25, 2017, the Office of Planning (“OP”) supported the application. OP noted that the property faces the campus, is across the street from Lauinger Library, and is surrounded by other University-owned properties. OP also noted that the change in use was not expected to generate new traffic or parking impacts. (Ex. 5.)
6. The Commission, at its September 11, 2017 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 703.17(c)(2) to establish a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the application to respond thereto; and schedule the request for deliberations. The Commission did so, and no other parties to the original proceeding filed a response to the application.

### **CONCLUSIONS OF LAW**

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means a “modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance. (11-Z DCMR § 703.3.) Examples of modifications of consequence “include but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

The Commission concludes that the change in use of the Property as described in the above findings of fact is a modification of consequence and therefore can be granted without a public hearing.

The Commission finds that the proposed modification is entirely consistent with the Commission’s previous approval of the Campus Plan, which specifically anticipated flexibility in the change in use of the University’s townhouse properties over the term of the Campus Plan. The change in

use was supported by the GCP, the affected ANC, and the affected citizens' association, and no parties to the Campus Plan opposed the change in use.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give "great weight" to the issues and concerns contained in the written report of an affected ANC. As is reflected in the Findings of Fact, ANC 2E voted to support the and did not note any issues and concerns in its written report. Because the ANC expressed no issues and concerns, there is nothing for the Commission to give great weight to. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP's recommendation to approve this modification of consequence application.

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**


In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Georgetown University 2017-2036 Campus Plan approved in Z.C. Case No. 16-18 and authorizes the use of 1233 37<sup>th</sup> Street, N.W. (Square 1223, Lot 858) for academic/administrative use. The conditions of Z.C. Order No. 16-18 remain unchanged.


On September 25, 2016, upon the motion of Commissioner Turnbull, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on September 7, 2018.

### **BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING