

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 07-23
Z.C. Case No. 07-23

**(Georgetown University – Construction of New Science Center, Athletic Training Facility,
and Modification of Multi-Sports Facility)**
October 22, 2007

Application of the Presidents and Directors of Georgetown College (the “Applicant”), pursuant to 11 DCMR §§ 210 and 3104, for special exception approval of further processing applications for (1) the construction of a new Science Center, (2) construction of a new Athletic Training Facility, and (3) modifications to the approved Multi-Sport Facility; and approval of an amendment to an approved campus plan to accommodate the Athletic Training Facility. In addition, the Applicant requests technical relief from the Zoning Regulations that includes (1) a special exception pursuant to §§ 411 and 3104 to locate the rooftop structure on the Science Center within the required setback from the exterior walls and (2) a variance pursuant to § 3103 for the rooftop structure on the Science Center to exceed the height limit for roof structures.

HEARING DATE: October 22, 2007

DECISION DATE: October 22, 2007 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to Advisory Neighborhood Commission (“ANC”) 2E, and to owners of property within 200 feet of the site. The campus of Georgetown University is located within the jurisdiction of ANC 2E.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for a college or university. Furthermore, as directed by 11 DCMR § 3119.2, the Commission has required the Applicant to satisfy the burden of proving the elements necessary to establish the case for a special exception pursuant to §§ 411.11 and 3104, and for variance relief pursuant to §§ 3103.2 and 400.7.

The Applicant requested flexibility to modify the design of the Athletic Training Facility in response to future comments from the Old Georgetown Board and Commission of Fine Arts, provided that the height and density of the structure will not be increased above the levels proposed in the application.

The D.C. Office of Planning (“OP”), in a report dated October 12, 2007, which was submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the campus plan amendment, further processing applications, and special exception and variance relief for the new Science Center roof structure with the condition that all athletic events at the Multi-Sports Facility expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m. The District Department of Transportation (“DDOT”), in a report dated October 10, 2007, which was submitted into the record, concluded that the projects will have negligible impacts on the transportation network and, therefore, DDOT had no objections to the proposal. ANC 2E submitted a letter to the Commission, dated October 4, 2007, in support of the application with the condition that the Multi-Sport Facility and Athletic Training Facility not be used for revenue-generating, non-University-related events.

Barbara Zartman of the Citizens Association of Georgetown (“CAG”), expressed concerns on CAG’s behalf. The Commission determined that the bulk of the issues raised by CAG were unrelated to the application and were, therefore, outside the scope of the proceedings. With respect to the issues raised by CAG regarding the variance relief requested, the Commission determined that the application was clear and consistent regarding the relief requested and in any event satisfied the requirements of the Zoning Regulations.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes and gives great weight to, the recommendation of OP that the application satisfies the requirements of § 210 as well as the requirements for special exception and variance relief. The Commission also notes and gives great weight to the recommendation of ANC 2E that the proposed variance relief and special exception for the new Science Center roof structure will not impact neighboring properties and is required to permit the Applicant to achieve its meritorious goal of LEED Silver certification.

It is, therefore, **ORDERED** that the application be **GRANTED** subject to the following conditions:

1. All athletic events taking place at the Multi-Sport Facility expected to draw more than 100 visitors shall begin either before 4 p.m. or after 7 p.m.

2. The Multi-Sport Facility and Athletic Training Facility shall not be used for revenue-generating, non-University-related events.
3. The Applicant shall have flexibility to modify the design of the Athletic Training Facility in response to the Old Georgetown Board and Commission of Fine Arts, provided that the height and density do not exceed the amounts proposed in the application.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the Order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Curtis Etherly, Jr. and Michael Turnbull to approve; John Parsons, not present, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING 

FINAL DATE OF ORDER: NOV 23 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF

ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (“ACT”). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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 THAT 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 07-23

NOV 19 2007

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 07-23 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY:



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Secretary to the Zoning Commission
Office of Zoning