

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 348
CASE NO. 80-11C
AUGUST 13, 1981

On April 9, 1981 the District of Columbia Zoning Commission adopted Order No. 339, which granted the application of the George Washington University (GWU) for approval of a consolidated Planned Unit Development (PUD) and change of zoning from R-5-C to C-3-C for various lots in Square 101, subject to development conditions, guidelines, and standards. Pursuant to Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission, Order No. 339 became effective on May 1, 1981.

On May 11, 1981, pursuant to Section 4.6 of the Rules of Practice and Procedure, the Zoning Commission received letters dated May 11, 1981 from Advisory Neighborhood Commission (ANC) 2A and Don't Tear It Down requesting the Commission to reconsider and/or reverse its decision in Order No. 339. On May 15, 1981, pursuant to Section 4.6 of the Rules, the applicant filed a letter in response to the requests for reconsideration, opposing such requests.

The Agent of the Mayor of the District of Columbia, under D.C. Law 2-144 with recommendations from the Joint Committee on Landmarks, has the authority to approve or deny applications for building permits for new construction when a historic district or historic landmark is affected. The project approved by the Zoning Commission in Order No. 339 was also pending review and approval before the Joint Committee on Landmarks and the Mayor's Agent.

On June 18, 1981 the Joint Committee on Landmarks approved The George Washington University project. In most respects the plan approved by the Joint Committee is identical to the plan approved by the Zoning Commission in Order No. 339. To meet the concerns of the Joint Committee the design of the building was modified in the following respects:

- a. The overall height of the office building behind the landmark row was reduced by seventeen feet. The penthouse was reduced in height from eighteen feet, six inches to thirteen feet, six inches. The roof cornice was reduced from 124.75 feet to 112.5 feet.
- b. The height of the front portion of the office building was set at ninety feet, rather than seventy feet, to conform to the cornice height of adjacent buildings facing Pennsylvania Avenue.
- c. The material of the lower element of the office building was changed from reflective glass to alternating bands of limestone or limestone color precast concrete and glass, the same material as the balance of the building.
- d. Some of the infill buildings were redesigned.
- e. The garage plan was changed from two levels to three and was modified in a horizontal dimension so that it will not be beneath any landmark structure.

In Order No. 339, the Zoning Commission left the final design of the landmark and "infill" buildings up to the Mayor's Agent. That process is now on-going. In Order No. 339, the Commission also provided the opportunity to reconsider other aspects of the PUD standards and guidelines made necessary by subsequent Joint Committee Action. In Finding of Fact No. 51, the Commission acknowledged the Joint Committee's role in reviewing this project and stated:

"If substantive changes to the approval are required, the Commission will consider them upon receipt of an appropriate request to do so."

On June 24, 1981 the Zoning Commission received a letter from GWU requesting a waiver from the time limit within which to file a motion for reconsideration, pursuant to Section 1.11 of the Rules. That letter further requested the Zoning Commission to reconsider two conditions in Order No. 339, to enable Order No. 339 to be consistent with the decision of the Joint Committee on Landmarks. The changes in the plans are a result of the redesign of the office building elevations requested, and approved, by the Joint Committee. These changes were initiated to make the new office structure more compatible with the landmark.

Condition #1 required that the Planned Unit Development be developed in accordance with plans of the Joint Venture Architects dated January 26, 1981. To conform these plans with the decision of the Joint Committee on Landmarks, minor alterations are needed. A set of the plans of the Joint Venture Architects dated June 24, 1981 was attached to the Motion and is marked as Exhibit 127 in the case record. These changes include:

- a. Redesign of the parking garage to move that portion of the structure from beneath the row buildings. This action requires a third parking level, but does not change the entrance location, the number of spaces provided or the basic traffic circulation;
- b. The "footprint" of the new office structure has been modified slightly to step back from the landmarks;
- c. The cornice line has been set to match neighboring buildings and the building has been reduced one story in height; and
- d. The facades of the office building have been simplified to reflect the Joint Committee's desire to have a "quiet backdrop" behind the row buildings.

Condition #11 required that the I Street facade of the building consist of a seven story element and an eleven story element. It required the facade material of the seven story element to be entirely reflective glass. The Joint Committee found that the glass element overwhelmed the landmark structures and approved a plan that is simpler both in material and design. This elevation change is shown on Drawing 3-1 of the revised plans marked as Exhibit 127 of the case record, dated June 24, 1981.

By resolution dated July 8, 1981, ANC 2A withdrew its original request for reconsideration dated May 11, 1981. By letter dated July 9, 1981, Don't Tear It Down withdrew its request for reconsideration dated May 11, 1981. Both organizations also supported the request for reconsideration filed by the applicant. Two other parties to the case, the Foggy Bottom Association and Theodore Scheve also submitted letters supporting the request for reconsideration filed by the applicant.

The Commission concludes that there is good cause shown for waiving the requirements of Section 4.6 of the Rules with regard to the applicant's motion for reconsideration. Such motion could not be filed until approval of the project had been received from the Joint Committee on Landmarks. That approval was not given until June 18, 1981. The applicant's motion was filed six days later.

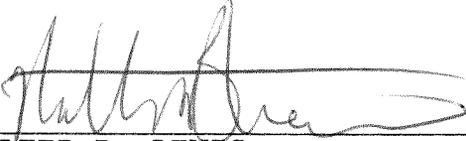
The Commission further concludes that this Motion for Reconsideration is justified on the grounds that the applicant has, for an extended period of time, been before two District of Columbia agencies with concurrent and overlapping jurisdiction. The applicant has appeared before both agencies numerous times. It has finally met the goals and objectives of both agencies. The land use and land development criteria established by the Zoning Commission have not changed. The changes sought through the Motion for Reconsideration are the fine detailing of the conditions and findings contained in the original order.

DECISION

In consideration of the findings and conclusions set forth herein, the Zoning Commission, by ruling of the Chairman, waives the requirement of Section 4.6 of the Rules of Practice and Procedures before the Zoning Commission, to allow consideration of the applicant's Motion for Reconsideration filed more than ten days after Order No. 339 became final. The Zoning Commission further hereby orders that conditions #1 and #11 of Order No. 339 be amended to read as follows:

1. The Planned Unit Development shall be developed in accordance with plans dated June 24, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects and marked as Exhibit No. 127 of the record. Such plans may be modified to conform to the guidelines, standards and conditions of this Order.
11. The facade materials of the proposed ten story structure shall consist of limestone or limestone color precast concrete and glass, final details and color as approved by the Joint Committee on Landmarks of the National Capital and/or the Mayor's Agent for D.C. Law 2-144.

Vote of the Commission taken at its public meeting held on July 9, 1981: 3-0 (Ruby B. McZier, John G. Parsons and Walter B. Lewis, to amend Order #339 - Lindsley Williams, not voting, not having participated in the case and George M. White, not present not voting).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

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In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final on 21 AUG 1981.