

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 749-B  
Case No. 93-9C  
(PUD and Map Amendment - GWU/WETA)  
July 11, 1994

By Z.C. Order 749-A, dated April 11, 1994, the Zoning Commission for the District of Columbia granted the application from George Washington University (GWU) and the Greater Washington Educational Telecommunication Association (WETA) which requested review and approval of a planned unit development (PUD) and related map amendment, pursuant to Chapter 24 and Section 102, respectively, of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The application, which was filed on June 16, 1993, requested consolidated review and approval of a PUD and related change of zoning from R-5-D to C-3-C for Lot 880 in Square 101. The proposed building is to be constructed for the joint use of GWU and WETA for educational, and radio and television broadcasting and support purposes.

Pursuant to 11 DCMR 3028, Z.C. Order No. 749-A become final and effective upon publication in the D.C. Register; that is, on April 29, 1994.

Pursuant to 11 DCMR 3029.5, Advisory Neighborhood Commission (ANC) 2A, party in the proceedings, filed a motion for reconsideration dated May 16, 1994.

The motion for reconsideration stated the following:

"ANC-2A is requesting reconsideration of the map amendment rezoning of Lot 880 in Square 101 from R-5-D to C-3-C. Specifically, ANC-2A requests reconsideration of the change in zoning for Lot 880 to SP-2 instead of C-3-C.

11 DCMR 3029.6 requires that a motion for reconsideration "shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought". As the Order itself admits, both the applicant and various witnesses supported a rezoning to SP-2. The Order does not explain and justify a rezoning to C-3-C instead of SP-2, a change which would set a damaging precedent for our community and a change that is not needed for this project to proceed.

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In fact, Order No. 749-A, Finding of Fact No. 1 states "At the public hearing, the applicants requested that the Commission also consider, in the alternative, rezoning the subject property to SP-2". Finding of Fact No. 26 states in part: "Five individual residents of the community appeared at the hearing and supported the application. The points raised in support of the application include but are not limited to the following: a. The project should be approved but with a rezoning south of Pennsylvania Avenue". SP-2 zoning was also supported by many signatories to a petition submitted into evidence in this case."

Pursuant to 11 DCMR 3029.5 a motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding under Section 3022 may be filed by a party within ten (10) days of the order having become final. The motion shall be served upon all other parties. The Commission shall not receive or consider any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding that is filed prior to the order having become final.

Pursuant to 11 DCMR 3029.7 and by letter dated May 23, 1994, counsel for the applicant responded to ANC-2A's motion for reconsideration as follows:

"At the public hearing, the Applicant's requested the Commission to consider SP-2 zoning as an alternative to the C-3-C zoning which had been proposed in the original application. The applicants have no objection to the Commission considering and granting SP zoning for the project. As the ANC notes, the SP-2 District permits both university and non-profit use.

Under either the currently approved C-3-C zoning or the requested SP-2 zoning, this project would continue to be in full compliance with the height permitted under the Act of."

On June 13, 1994 at its regular monthly meeting, the Zoning Commission considered ANC-2A's motion for reconsideration and the applicant's response to ANC-2A's motion.

The Commission does not concur with ANC-2A and was not persuaded by the arguments presented by the ANC in its motion for reconsideration of Z.C. Order No. 749-A. The Commission believes that if the PUD site were rezoned to SP-2, the PUD proposal would be a precedent setting case by exceeding the PUD guidelines for the SP District by a height of 20 feet.

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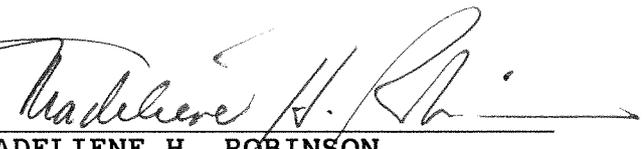
The Commission further believes that the approved C-3-C rezoning is appropriate and consistent with the zoning applicable to the abutting property to the north and that the proposed height of the PUD is within the PUD guidelines for the C-3-C District.

Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that ANC-2A's motion for reconsideration of Z.C. Order No. 749-A in Case No. 93-9C be DENIED.

Vote of the Commission taken at the monthly public meeting on June 13, 1994: 4-0: (William B. Johnson, John G. Parsons and Maybelle Taylor Bennett, to deny and Jerrily R. Kress, to deny by absentee vote - William L. Ensign, not present, not voting).

This order was adopted by the Zoning Commission at its public meeting on July 11, 1994 by a vote of 5-0: (John G. Parsons, William B. Johnson and Maybelle Taylor Bennett, to adopt, Jerrily R. Kress and William L. Ensign to adopt by absentee votes.

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on JUL 22 1994.

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| <br>MAYBELLE TAYLOR BENNETT<br>Chairperson<br>Zoning Commission | <br>MADELIENE H. ROBINSON<br>Director<br>Office of Zoning |
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