

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



June 4, 2013

Kinley R. Bray, Esq.
Arent Fox LLP
1717 K Street N.W.
Washington DC 20036

Re: Proposed Dormitory Use, 608 Massachusetts Avenue, N.E.

Dear Ms. Bray:

Following our meeting on April 2, 2013, I reviewed the information you provided regarding the University of Georgia's proposed use of 608 Massachusetts Avenue, N.E. (the "Property") as a dormitory for its Semester in Washington program (the "Program"). I have concluded that the proposed use is properly classified as a dormitory and is therefore permitted as a matter of right in the R-4 District.

The Property is located in the R-4 Zone District and is improved with a three-story historic building comprising approximately 17,733 square feet of gross floor area. The Property is subject to two BZA orders: first, a special exception allowing a non-profit office use (Case No. 14244) and second, a variance allowing multiple roof structures (Case No. 13327). The Property has been in use by the American Society of Interior Designers, a non-profit organization, since 1990.

The University of Georgia's Program currently operates in Washington, D.C. in leased space and can accommodate up to 25 students. If the Proposed Use is permitted, the University will use the Property to house up to 35 students for a semester at a time, along with a resident Program manager and space for visiting faculty.

The Program requires that students be employed at least 30 hours per week in an approved internship or other position in Washington, D.C., and includes weekly seminars and guest lectures on the premises for Program participants. Through these weekly seminars and other required independent course work, which must be completed contemporaneously with nearly full-time employment, Program participants earn course credit for their time in Washington. As a result, in addition to traditional dormitory housing, the Property must also support independent and group study, conference/lecture facilities that can accommodate all Program participants in a single space, as well as kitchen/dining facilities and offices for Program staff.

The University proposes to provide housing for up to 35 students in 1, 2, and 4 student suite configurations, as detailed on the attached plans, as well as an apartment for the resident Program manager, and one suite reserved for use by visiting faculty. These suites will be located on the second and third floor of the building, co-located with common laundry, lounge, and kitchenette uses on each floor. Also located on the residential floors are several conference rooms for individual and group study. Because of the nature of the Program, many individual and group study spaces are provided throughout the building to provide quiet spaces for students to complete their course work without disturbing (or being disturbed by) other students, including their suite-mates. No regular meal service will be provided, therefore kitchen facilities are provided throughout the building for individual and group preparation of meals and snacks. In addition, a full kitchen is located on the first floor adjacent to a multi-purpose room to accommodate occasional communal dining and special events.

Based on the plans provided, it is my understanding that approximately 15,478 square feet or 87.3% of the gross floor area of the building will be devoted to housing and housing-related uses (e.g., laundry, lounge, kitchenette, study rooms). Other uses such as program offices, additional conference rooms, and the multi-purpose room, comprise approximately 12.7% of the gross floor area of the building and will be accessory to the housing use.

The Proposed Use is a Dormitory

A dormitory, which is expressly permitted in the R-4 Zone District pursuant to 11 DCMR § 330.5(i), is not a defined use under the Zoning Regulations. Where a term is not defined in the Zoning Regulations, the term shall have the meaning given in *Webster's Unabridged Dictionary*. 11 DCMR § 199.2(g). *Webster's Unabridged Dictionary* defines "dormitory" as "a residence hall providing separate rooms or suites for individuals or for groups of two, three, or four with common toilet and bathroom facilities but usually without housekeeping facilities."

The Proposed Use is a residence hall for 35 students, providing separate suites for individuals and groups of 2 and 4, with common toilet/bathroom facilities, but without separate kitchens or laundry facilities. Kitchen and laundry facilities are provided on a per-floor basis, as are lounge areas and study rooms. Additional uses, such as conference rooms, a multipurpose room, and program offices are provided on the first floor, account for a small fraction of the gross floor area of the building, and are thus accessory to the primary dormitory use.

Based on the information you have provided, it appears that the Proposed Use is typical of the University of Georgia's student housing and is comparable to dormitories on the University of Georgia's Athens, Georgia campus and the University's study abroad facility in Oxford, England. Lounges, study rooms, multipurpose spaces, kitchens, classrooms, offices, and facility manager apartments are typical components of these facilities, which provide average square feet per occupant from 96 square feet to 150 square feet. The Proposed Use allocates approximately 88-135 square feet per occupant, depending on the suite configuration (1, 2, or 4 person suites). Additionally, the uses proposed within the building are similar to those of dormitories on Washington, D.C. university campuses and to "Semester in Washington" facilities run by other universities. The use clearly meets the *Webster's* definition of "dormitory" and is therefore

permitted as a matter of right, subject to the requirement that any proposed improvements to the building must meet all other dimensional requirements of the applicable Zoning Regulations.

Should you have any questions about this information, please do not hesitate to contact me.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Package including Plan set