ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

August 29, 2002

BY HAND DELIVERY

Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: ZC Application No. 02-25 – Application of the University of Notre Dame – Pre-hearing statement

Dear Members of the Commission:

Enclosed please find an original and 20 copies of the University of Notre Dame's pre-hearing statement for the above-mentioned application.

Respectfully Submitted,

Phil Feola

Ashleigh Horne

cc: ANC 2B
Venita Ray

ZONING COMMISSION
District of Columbia
Case 02-25
Exhibit 18

2300 N Street, NW Washington, DC 20037-1128 | 202.663.8000 Fax: 202.663.8007 | www.shawpittman.com

Washington, DC
Northern Virginia
New York
Los Angeles
London

ZONING COMMISSION
District of Columbia
CASE NO.02-25
EXHIBIT NO.18

BEFORE THE ZONING COMMISSION
OF THE
DISTRICT OF COLUMBIA

APPLICATION
OF THE
UNIVERSITY OF NOTRE DAME

Zoning Commission Case No. 02-25
ANC 2B

STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is an application for a special exception to allow the use of an existing building located at 1615 New Hampshire Avenue, NW (Lot 249, Square 155) in the District of Columbia for a University. This application, pursuant to 11 DCMR §507 (and/or 210) and 3104, will allow the current owner of the property to sell the facility to the University of Notre Dame for its Washington Program.

II.

Jurisdiction of the Commission

The Commission has jurisdiction to grant the relief requested pursuant to Zoning Commission Order No. 932 and §3104 of the Zoning Regulations.

III.

Description of Environs

A. The Subject Property ("Property")

The Property is located on the south side of the 1600 block of New Hampshire Avenue, N.W. at the northeast corner of the intersection of New Hampshire Avenue, NW and Corcoran Street, NW. The Property is generally triangular in shape. It has frontage on New Hampshire Avenue of approximately 101 feet and frontage on Corcoran Street, NW of approximately 136 feet. To the rear, the Property abuts a fifteen foot wide public alley (Exhibit A). The total land area of the Property is approximately 6,660 square feet. It is currently improved with a mixed use building containing office and chancery use and residential apartments. The Property is in the DC/SP-1 Zone District.

B. The Surrounding Area

The Property is located in the Dupont Circle area of the District of Columbia and is surrounded by existing mixed use buildings which include office, chancery and residential uses. The New Hampshire Avenue corridor, northeast of Dupont Circle, contains a mix of office and residential uses.

The properties immediately adjacent to the site to the northeast are used by the Embassy of the Republic of Belarus, law offices and the Embassy of Nicaragua. To the north, west and southwest, the land uses include a mix of residential, institutional, professional and government offices. To the east, across the public alley, is a mixed residential/commercial use.

The area is close to the Downtown and is well served by mass transportation. It is within walking distance of the Dupont Circle Metrorail station and there are numerous bus routes that run along New Hampshire Avenue.

C. Existing Zoning

The DC/SP-1 Zone District is a moderate density zone which allows offices by special exception, housing and mixed use development. The existing building on the Property was approved and built pursuant to BZA Application No. 13810 in 1982 (a copy of which is attached as Exhibit B) and subsequently modified by BZA Application No. 15331 in 1990 (a copy of which is attached as Exhibit C). The building design was approved by the Joint Committee on Landmarks, predecessor to the Historic Preservation Review Board, prior to its construction.

IV.

Description of the Project

This application does not require any modification to the exterior of the existing improvements on the Property. The building, which was constructed to a total floor area ratio of 4.0, with a lot occupancy of 80% and eleven parking spaces, will be renovated and reused by the University's Washington Program for its students and faculty. Currently, the building is occupied by a variety of office, chancery and residential tenants. The University intends to honor the leases of the existing tenants. However, when those tenants vacate their leased premises, the space will be re-occupied by University for its own use.

The University of Notre Dame's Washington Program, which was begun in 1997, currently accommodates 25 students per semester and is located in leased space at 2807

Connecticut Avenue, NW. The Program's curriculum consists of a Core Seminar, 2 elective courses, a student internship, co-curricular activities and a variety of lectures. Students receive 15 credit hours while in the Washington Program including 3 credit hours for their internship experience. The student internship, which is the heart of the Washington Program experience, requires the student to work between 20 and 25 hours per week at his/her internship site. The internship is intended to provide the student the opportunity to observe policy and decision making, experience the working environment of various federal government agencies, journalism organizations and/or a variety of profit and non-profit organizations centered in Washington, D.C.

The University hopes to expand its current enrollment of its Washington Program from the current 25 students to 50 upon over a period of years at the Property. It is anticipated that staffing requirements will increase from the current 1.5 full time equivalent to 8.0 full time equivalent, including an executive director, a full time associate director, a facility manager and a secretary. Adjunct faculty will supplement the staff with an additional 4 persons per semester. Thus, full use of the building by the University will result in a student population of 50 and 12 nonresident faculty/staff. The University anticipates that it eventually will occupy the entire 5 story brick building on New Hampshire Avenue and utilize the twelve residential apartments on the top two floors for the student housing, with classrooms and office space on the first three floors and the lower level.

The lower and first floor levels currently are occupied by the International Law Institute. The second floor is occupied by the law firm of Asbill, Junkin, and Moffitt. The third floor is occupied by the Embassy of the Republic of Georgia. Seven of the twelve residential apartments currently are unoccupied.

The University plans to move its administrative functions into the lower and first floors as soon as practicable, which it estimates to be during the summer of 2003. Following minor renovation of the available residential units, the University intends to house its entire program in the building beginning that fall. The University intends to honor the leases of the tenants occupying the office space. When those leases expires, the University may continue to lease that space until it has need for the full amount of office/academic space for the Program. As residential tenants voluntarily vacate the building, the University will reuse the vacated apartments for its students. The University will honor the leases of the existing residential tenants and their rights as tenants.

The University plans to make no changes to the exterior of the building, and only cosmetic changes to the interior. The first and lower office floors are currently suitable for the University's administrative and classroom functions. The University plans to make only minor modifications to the offices and classrooms on those floors such as the installation of appropriate office and classroom furniture. The residential units on the fourth and fifth floors will undergo cosmetic renovations only, such as painting and the installation of new carpeting. These renovations will update the units and make them attractive for use by the students. The apartments will be provided to the students fully furnished. Thus, furniture will be installed as each unit is renovated. The apartments will be outfitted so that the building will be able to accommodate a maximum of fifty students each semester.

In addition, the University intends to undertake any renovations necessary to comply with the building and fire code regulations regarding the operations of the Program and housing students. For the benefit of its disabled students, the University intends to make the building fully accessible.

V.

Relief Requested

The application requests a special exception pursuant to §507 (and/or §210) of the Zoning Regulations. The Regulations permit a University in the DC/SP-1 Zone District provided that :

1. It is located so that is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions (11 DCMR §507.7 and/or 210.2);

2. The Commission approves the plans of the campus (building) to include height, bulk, parking, loading, signs and screening (11 DCMR §507.3 and 507.4 and/or 210.4); and

3. The approval does not tend to affect adversely the use of neighboring properties and such approval is in general harmony with the purpose of intent of the Zoning Regulations and Map (11 DCMR §3104.1).

The University's proposal meets the requirements of the Zoning Regulations. The University's use of this building will not create any harmful noise, traffic, illumination or other objectionable conditions that would disrupt the neighborhood. In fact, the University's use of the building will produce no discernible change from the existing uses on the Property. The existing building will be used in virtually the same manner as it is currently being used. The proposed use will increase the number of residents in the building (from approximately twelve to fifty), but will decrease the number office workers (from approximately fifty to twelve). Students in the program will be strongly discouraged from bringing cars to the District. During the five years

that the program has been in operation, no student has domiciled a car in the District. The University intends to use the parking spaces for its staff and tenants of the building. Because of the decrease in office workers, and the University's policy to discourage students from bringing automobiles, the proposed University use of the premises is likely to have a positive impact on traffic and parking in the area. The building will not include athletic or other recreational facilities.

VI.

Comprehensive Plan

The Comprehensive Plan Land Use Map designates the Property for moderate density residential use. One of the objectives in the Comprehensive Plan is to "conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods ...." 11 DCMR §1102.1(a). Another relevant objective is to "[u]tilize the potential of the District's universities ... to create an expanded center of knowledge and learning ...." 10 DCMR §1301.1(g). Here, the University will further both objectives by bringing a vibrant, but small, center of learning to Dupont Circle. The University's Washington Program will enhance the character of the area without creating excessive traffic or noise. The Program will further promote economic development by bringing more residents to the neighborhood, who will patronize local businesses without contributing to traffic or parking problems. Moreover, the property's proximity to the medium and high-density commercial development in Dupont Circle makes it an ideal candidate for the Washington Program. The proposed use will decrease the commercial use of the building, thereby creating an improved buffer for the residential areas of the neighborhood. Accordingly, the proposed re-use of the property is not inconsistent with the goals and policies as stated in the elements of the District of Columbia Comprehensive Plan.

VII.

List of Exhibits

A. Site Plan

B. BZA Order No. 13810

C. BZA Order No. 15331

D. Zoning Map

E. Outline of Testimony

F. Chart of Tenants and Lease Expiration Dates

G. Photographs of Existing Building and Surrounding Area

H. Building Plans

VIII.

Conclusion

For all of the above reasons, the University respectfully requests approval of the subject application.

Respectfully submitted,

Phil Feola

Ashleigh Horne

Document #: 1242063 v.3

A

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 1-21, 2002

Plat for Building Permit of SQ-155 LOT 249

Scale: 1 inch = 20 feet Recorded in Book 170 Page 174

Receipt No. 6917

Furnished to: SHAW PITTMAN

Surveyor, D.C.

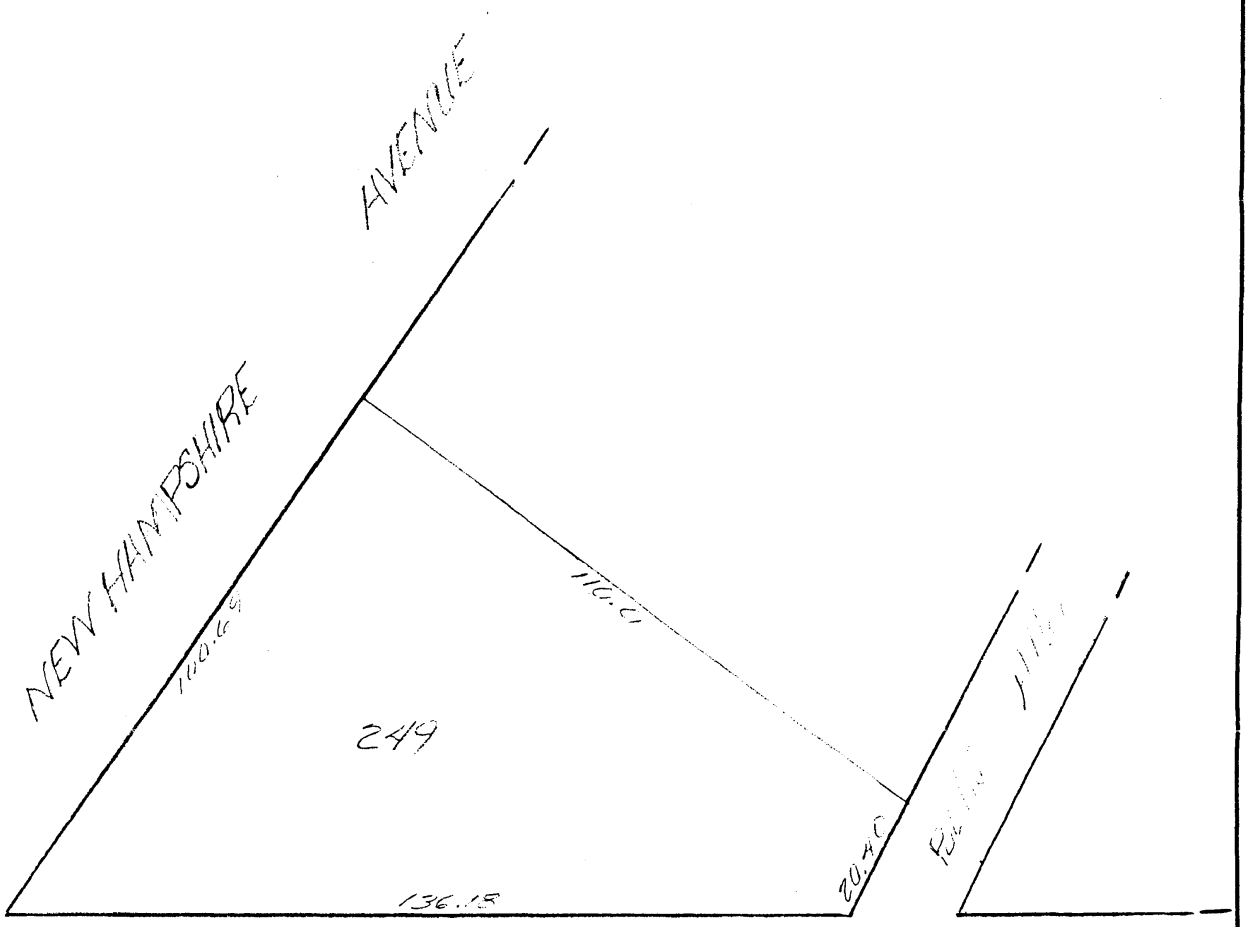
By: DAV

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 6-13-02

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13810 of Dewey Development, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to construct an SP office and apartment building in an SP-1 District at the premises 1615 New Hampshire Avenue, N.W., (Square 155, Lot 249).

HEARING DATE: August 11, 1982
DECISION DATE: September 1, 1982

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of New Hampshire Avenue and Corcoran Street, N.W. and is known as premises 1615 New Hampshire Avenue, N.W. It is in an SP-1 District.

2. The subject property is generally triangular in shape and contains 6,660 square feet of land area. The site is vacant. The site has approximately 100 feet of frontage on New Hampshire Avenue to the northwest, 136 feet on Corcoran Street to the south, 110 feet along the northeast property line and approximately twenty feet of frontage along a fifteen foot public alley to the east.

3. The site is bounded on the northeast by professional offices and an embassy in the SP-1 District. To the north, west and southwest are residential, institutional professional and government offices in the SP-1 District. To the east across the public alley is a mixed commercial/residential use and residential uses further to the east and south of the site in the R-5-B District.

4. The applicant proposes to construct a five story office and apartment building with a total gross floor area of 26,640 square feet. The first three floors and a portion of the fourth floor will be devoted to office use which will contain 16,650 square feet of floor area. The remaining portion of the fourth floor and all of the fifth floor will be devoted to residential use containing 9,990 square feet of floor area.

5. The proposed building will have two entrances. The office occupants will enter from New Hampshire Avenue. Residents will enter from Corcoran Street and will use a

separate lobby and elevator to reach the fourth and fifth floors.

6. There will be a maximum of twelve apartment units comprising seven one-bedroom units and five studio efficiencies. If market conditions permit, some units could be combined to provide two-bedroom units.

7. The building has been designed to be compatible with the Victorian and Georgian style architecture of the neighborhood. The structure will have a brick and stone facade with a heavily rusticated base, and a large cylindrical corner tower with conical roof. The building will not duplicate any particular building in the immediate area but will incorporate the architectural feature of surrounding buildings into its design.

8. The site will be further enhanced by the planting of trees and other landscaping.

9. The proposed building has been desinged within the requirements of the SP-1 District. A total floor area ratio of 4.0 is allowed. A 1.5 residential FAR and a 2.5 office component FAR is provided. A lot occupancy of 5,328.37 square feet or eighty percent is allowed. The applicant will provide 5,328.00 square feet. A rear yard of twelve feet is required. An average of 27.07 feet is provided. Residential recreation space of 999 square feet is required and 999 square feet is provided. Eleven off-street parking spaces are required and eleven spaces are provided. No off-street loading berths are required. A height of sixty-five feet is allowed and a height of sixty-five feet is provided.

10. The Dupont Circle Metrorail subway station is within a three block distance of the site. Dupont Circle also provides major access to bus lines running along Connecticut Avenue, Massachusetts Avenue, New Hampshire Avenue and Eighteenth Street, N.W.

11. Parking provided for the proposed building will be located in a single level underground garage which will provide eleven full size and one compact size parking spaces. The architect for the applicant testified that it would not be feasible to construct a seond below grade parking level because of added cost. Further, the amount of space needed to ramp down to the second level would be intensive in relation to the site. The Board so finds.

12. Access to the garage will be at the rear of the building from the public alley. A circular driveway is also provided on New Hampshire Avenue.

13. A total of eleven parking spaces are required. Eight spaces are required for the office use and three spaces are required for the twelve residential units. One additional parking space which is less than the required size is provided and will be available for office use.

14. The applicant testified that long term parking spaces are available in nearby garages and that approximately forty-five curb spaces are available for short term parking within three blocks of the site. The Board so finds.

15. The applicant testified and furnished additional post-hearing evidence to the record which stipulates that the office space is anticipated to generate sixty employees. Twenty percent of the employees are expected to drive to work, twelve percent will arrive as automobile passengers, and sixty-eight percent will arrive as transit passengers or pedestrians. The Board finds that the number of parking spaces provided is adequate for the number of employees requiring parking spaces.

16. A member of the 1758 Corcoran Condominimum Association, testified as a witness for the applicant in favor of the proposal.

17. The subject site is located in the Dupont Circle Historic District making the proposed building subject to the approval of the Joint Committee on Landmarks. The Joint Committee gave conceptual design approval to the project on March 17, 1982.

18. The Office of Planning and Development, by report dated August 6, 1982, determined that the special exception request met the conditions specified under Paragraph 4101.44 and the general purpose and intent of Sub-section 8207.2 and recommended approval of the application for the following reasons: (a) the application represents a mixed use SP office building similar to the mixture of uses in the immediate neighborhood; (b) the height and bulk of the building is in keeping with the predominantly medium height and bulk of neighboring properties; (c) the architectural character of the building is compatible with the Dupont Circle Historic District; and (d) the Dupont Circle area is well served by Metrorail and bus and in addition to the parking provided, the proposed use will not create dangerous or other objectionable traffic conditions. The Board concurs with the findings and recommendation of OPD.

19. The applicant submitted a letter dated February 17, 1982 addressed to it from the Dupont Circle Conservancy which stated the Conservancy's support of the proposal.

20. Advisory Neighborhood Commission 2B, by letter dated August 5, 1982, stated its support of the application with the "contingency" that there be at least one two-bedroom unit incorporated in the proposal. The ANC agreed with the scale of the structure, the architecture and the mixed use aspects of the proposal. However, concern was expressed that there was a general lack of two-bedroom units in the community to attract families with children. The Board concurs generally with the ANC recommendation. In its conditioning the grant, the Board will allow the applicant leeway to provide two-bedroom units.

21. A letter in opposition had been received from the owners of a condominimum unit at 1748 Corcoran Street, N.W. The owners do not reside in the District of Columbia and stated, without any specific grounds, that their opposition was based on a need to protect their investment. The Board is unable to find a basis for such objection.

22. The General Grand Chapter Order of the Eastern Star by letter dated August 11, 1982, and by testimony at the public hearing expressed opposition to the application. The Order of the Eastern Star occupies a building located at 1618 New Hampshire Avenue directly across from the subject site. The Order opposed the application because of the anticipated traffic that will be generated by the proposal and that the proposed use will exacerbate existing parking problems. The representative of the Order of the Eastern Star testified that in her opinion the proposed building was in keeping with the character of the existing community. The witness individually had no opposition to the application. The opposition was expressed as a representative of the said Order. The Board finds that there is not likely to be any significant adverse traffic or parking consequences as a result of the proposal.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof of compliance with the requirements of Paragraph 4101.44 of the Zoning Regulations, a showing that the proposed use can be permitted without an adverse impact on the use of neighboring property, and a showing that the proposed use is in harmony with the gereral purpose and intent of the Zoning Regulations and Maps. The Board concludes that the applicant has met the requirements of Paragraph 4101.44. The use, height and bulk of the proposed building are in harmony with existing uses and structures on neighboring property. The proposed mix of residential and office use is in keeping with the commercial, residential and institutional uses in the neighborhood and the SP District. The building is designed to meet all the

requirements of the SP-1 District. It is designed to reflect many architectural features of adjacent and nearby structures. The subject site is located in the Dupont Circle Historic District and has been given conceptual approval by the Joint Committee on Landmarks. The Board concludes that the office and residential use will not create dangerous or other objectionable traffic conditions.

The site is located in an area well served by public transportation. The proposed off-street parking is adequate to meet the parking needs of future residents and office employees. Additional off-street parking is available for lease within a three block radius of the site. Because of the small size of the site additional on-site structured parking is impracticable and unreasonably costly.

The Board concludes that it has addressed the issues and concerns of the ANC and that it has accorded the ANC the "great weight" to which it is entitled.

The Board further concludes tha the application is in harmony with the general purpose and intent of the Zoning Regulation and Maps and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Construction shall be in accordance with Exhibit No. 26A of the record except that the residential units shown as units 41 and 42, 54 and 55, and 44 and 45 on that exhibit may be combined in order to provide two bedroom units if market conditions in the area warrant larger residential units.

2. A minimum of three parking spaces shall be reserved for the exclusive use of the residential units.

VOTE: 3-1 (Charles R. Norris and Lindsley Williams to grant; William F. McIntosh to grant by proxy; Douglas J. Patton opposed to the motion by proxy; Connie Fortune not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: DEC - 3 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13810order/KATHY5

Names and Addresses of
All Persons with Leases with Owner
1615 New Hampshire Avenue

Name	Suite/Apartment
Commercial Tenants	
International Law Institute	100
Asbill, Junkin, Myers & Buffone	200
Republic of Georgia	300
Residential Tenants	
Shawn Campbell	41
Aaron Kotok	42
Karen Usdin	43
Carole Burns	44
Fiona Boyce	45
Jill Levin	51
Andrea Kasper Sarah Gross	52
Peter Varani	53
Vacant	54
Vacant	55
Christopher R. Andrew Olga V. Kolscina-Andrew	56
Gourgen Karapetyan	57



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15331 of Nauru Phosphate Royalties (Washington, D. C.), Inc., on behalf of the Embassy of Papua New Guinea, pursuant to 11 DCMR 1001, for permission under Section 1002 and 503 to locate a chancery in an SP-1 District at premises 1615 New Hampshire Avenue, N.W., (Square 155, Lot 249).

HEARING DATE: July 25, 1990
DECISION DATE: July 25, 1990 (Bench Decision)

INTRODUCTION

This application was filed by Nauru Phosphate Royalties (Washington, D.C.), Inc., on behalf of the Embassy of Papua New Guinea pursuant to Section 206 of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982) to locate its chancery at 1615 New Hampshire Avenue, N.W. (Square 155, Lot 249) in an SP-1 District. The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The subject property, located at 1615 New Hampshire Avenue, N.W., is owned by Nauru Phosphate Royalties (Washington, D.C.), Inc. The lot contains a five story structure known as the Pacific House. It is a mixed-use office/residential building of approximately 26,000 square feet. There is an underground parking garage with eleven spaces for full size cars and one space for compact cars. There is also a circular driveway in front of the building that can accommodate several cars on a short-term basis. Construction of the building was completed in 1987.

Pursuant to Order No. 13810 of the Board of Zoning Adjustment dated December 3, 1982, the first, second, third floors and a portion of the fourth floor of the Pacific House were approved for office use. The balance of the fourth floor and the fifth floor were approved for residential use. The government of Papua New Guinea (the "applicant") proposes to lease the third floor from the

owners and relocate its chancery to this space. The third floor contains approximately 4,600 square feet of floor area and is currently unoccupied. The applicant would be its original tenant. The lease would extend for a period of four years with a single three-year renewal term. The applicant would also receive three parking spaces in the buildings garage. No alterations or renovation are planned for the exterior of the property.

Presently, the chancery of Papua New Guinea is located at 1330 Connecticut Avenue, N.W. The mission of the chancery is to represent the interest of Papua New Guinea in its relations with the United States in the areas of trade, investment, cultural relations, tourism and other matters. Part of this work involves the processing of visa applications from those wishing to visit Papua New Guinea for tourism or business purposes. The applicant employs a staff of four diplomats and three local personnel at the chancery. The diplomats include the Ambassador, the Counselor and the First and Third Secretaries. The applicant does not intend to increase the number of employees for at least five years.

Visitors to the chancery are relatively infrequent. During the period March 21 through April 4, 1990 the current chancery received an average of five visitors per day. The same pattern is expected to ~~continue~~ at the proposed location. The office hours will be from 9:00 A.M. to 5:00 P.M., Monday through Friday.

The location of a chancery in an SP-1 District is permitted subject to disapproval of the Board of Zoning Adjustment after review based on the criteria set forth in Section 206(d) of the Foreign Missions Act.

FOREIGN MISSIONS ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 1001, et seq., of Chapter 10 of the Zoning Regulations. A chancery shall be a permitted use in a Mixed Use Diplomatic District, subject to disapproval by the Board based on those criteria, which are as follows:

(1) Section 1001.2. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital.

(2) Section 1001.3 and 1001.4. Historic preservation, as determined by the Board in carrying out this Section; and in order to ensure compatibility with historic landmarks and historic

districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

(3) Section 1001.5. The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

(4) Section 1001.6. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State after consultation with federal agencies authorized to perform protective services.

(5) Section 1001.7. The municipal interest, as determined by the Mayor.

(6) Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states the following:

(1) The international obligation of the United States: By letter dated May 25, 1990, the Director of the Office Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital will be met by approval of this application.

(2) Historic preservation: The subject property is located within the Dupont Circle Historic District. The building received approval of the Historic Preservation Review Board when it was constructed in 1987. The applicant does not propose to alter the exterior of the building, therefore the present appearance will be maintained.

(3) Parking and transportation: As indicated by the applicant, the building contains an underground parking garage with a total of 12 spaces. The applicant plans to lease three of the spaces for the three employees that drive to work. The circular driveway at the front of the building can be used by visitors for short term off-street parking. The site is within three blocks of the Dupont Circle Metro Station and the area is well served by the Metrobus system.

(4) Protection: The Office of Foreign Missions, in its letter of May 25, 1990, determined that no special security requirements exist beyond those applicable to all facilities of foreign missions in the District of Columbia and that the site and area are capable of being adequately protected.

(5) Municipal interest: The Director of the Office of Planning for the District of Columbia, the delegated representative of the Mayor, by memorandum dated July 17, 1990, determined that the proposed chancery is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. Approval of the application was recommended. The Office of Planning noted that the proposed chancery would not create objectionable impacts on the traffic and parking conditions in the area. It was noted further that land use impacts would be minimal because no displacement of residential space is involved. Finally, since no exterior alterations are proposed, historic preservation will not be adversely affected.

Comments on the proposed chancery were received from a number of other city government agencies. The Department of Public Works indicated that the proposal will have a negligible impact on the local transportation system and that the one-space parking requirement has been met.

By letter dated June 21, 1990, the Metropolitan Police Department urged the developer to consider using the following physical security protection measures: alarm system, locks, adequate lighting at employee and pedestrian entrances, surveillance equipment and any other safety features that will create a secure environment.

The Fire Department, by memorandum dated June 7, 1990, expressed no objection to the subject application.

(6) Federal interest: The Office of Foreign Missions has determined that the lease of office space in the office building at 1615 New Hampshire Avenue, N.W. is consistent with the Federal interest in meeting the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

ADVISORY NEIGHBORHOOD COMMISSION

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 2B. The commissioners for ANC 2B voted to support the application on the condition that the applicant agree not to request reserved diplomatic parking. The ANC based its support on the following:

a. This chancery is sought for a building long planned as the location for chanceries and other activities related to the South Pacific Region. At the time of the construction of the building, residential space was added with the understanding that the community would not oppose chancery space in the building;

b. This chancery will employ a very small number of people and will involve little, if any, additional traffic or demand for parking; and

c. The current chancery is also in the neighborhood, hence this will not add chancery space to the neighborhood, but will merely relocate it.

The Board is required by statute to give great weight to the issues and concerns of the ANC. The only concern herein expressed involves the use of street space for diplomatic parking. The applicant has made no representation to the Board regarding this matter. Parking is available, however, elsewhere on-site.

The Board concludes that it has afforded "great weight" to the issues and concerns of the ANC.

DECISION

On the basis of the record before it, the Board has determined that this application satisfies the criteria set forth in Section 1001 of Chapter 10 of the Zoning Regulations. Accordingly, it is therefore hereby ORDERED that this application is APPROVED.

VOTE: 5-0 (Paula L. Jewell, Reginald Griffith, Charles

R. Norris, John G. Parsons and Carrie L. Thornhill to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 26 1990

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15331order/BHS27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION NO. 15331

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated OCT 26 [illegible] has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

David Sandalow, Esquire
1001 Pennsylvania Avenue, N.W.
Suite 1300 South
Washington, D.C. 20004

Veali Vagi
5043 Cathedral Avenue, N.W.
Washington, D.C. 20016

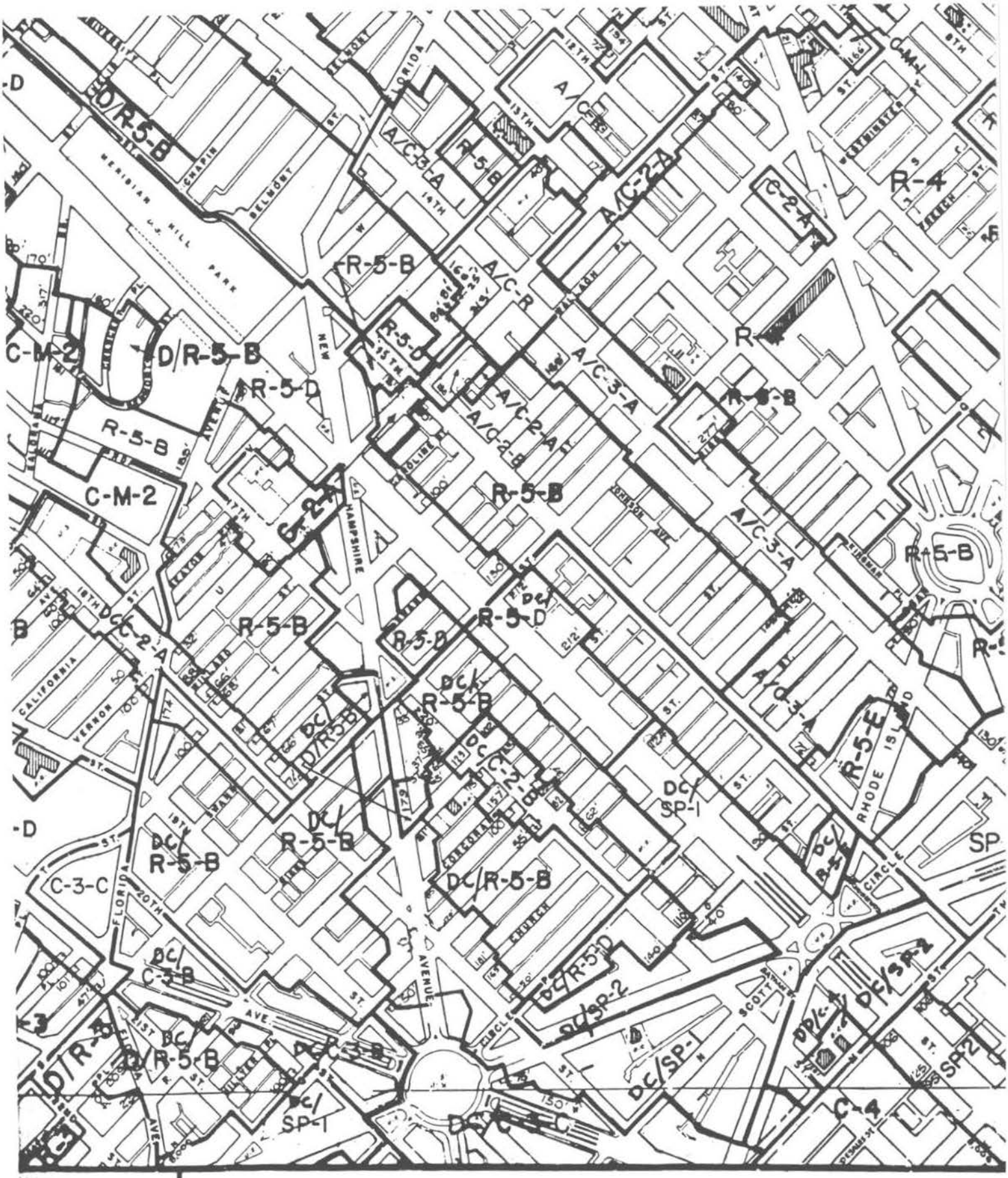
Ronald S. Mlotek
U.S. Department of State
Office of Foreign Missions
Washington, D.C. 20520

Jack K. Evans, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W., Suite 200
Washington, D. C. 20036

EDWARD L. CURRY
Executive Director

DATE:_____




C-M-2
D/R-5-B
R-5-B
R-5-D
C-2-A
A/C-2-A
A/C-3-A
A/C-2-B
A/C-R
R-4
R-5-E
C-3-C
C-4
DC/R-5-B
DC/R-5-D
DC/SP-1
DC/SP-2
DC/C-3-B
DC/C-3-C
SP-1
SP-2
1200
FEET
Commission

E

EXHIBIT E

UNIVERSITY OF NOTRE DAME
ZONING COMMISSION HEARING OUTLINE
OF TESTIMONY

September 12, 2002
1615 New Hampshire Avenue, N.W.

I. OPENING STATEMENT: Phil Feola (5 minutes)

A. Preliminary Matters

1. Posting of Property

2. Affidavit of Posting

B. Summary of Application

C. Legal Requirements for Special Exception

D. Introduction of Witnesses

1. Rev. Timothy R. Scully, Executive Vice President, University of Notre Dame

2. Thomas M. Kellenberg, Director, Notre Dame Semester in Washington Program

II. APPLICANT'S OBJECTIVES: Father Scully (10 minutes)

A. Brief History of School

B. Description of School

C. Educational Philosophy

D. Objectives of Project

E. Need for New Facility

F. Ideal Population – Facility Design

1. Students

2. Faculty/Staff

III. DESCRIPTION OF PROGRAM: Mr. Kellenberg (10 minutes)

A. Community Outreach

B. Community Support

C. Description of Neighborhood

D. Description of Building

1. Residential Units

2. Office Space

3. Parking

4. Phasing

E. Description of Program

1. Administrative

2. Academics

a. Courses

b. Faculty

3. Internships

4. Application Requirements

5. Student Life

a. Daily Activities

b. Supervision

c. Discipline

IV. CONCLUSION: Phil Feola (5 minutes)

A. Compliance with the Zoning Regulations

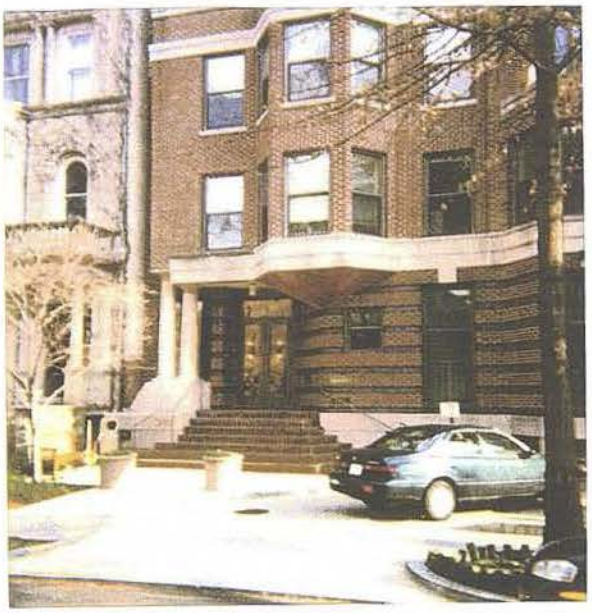
B. Compliance with the Comprehensive Plan

F

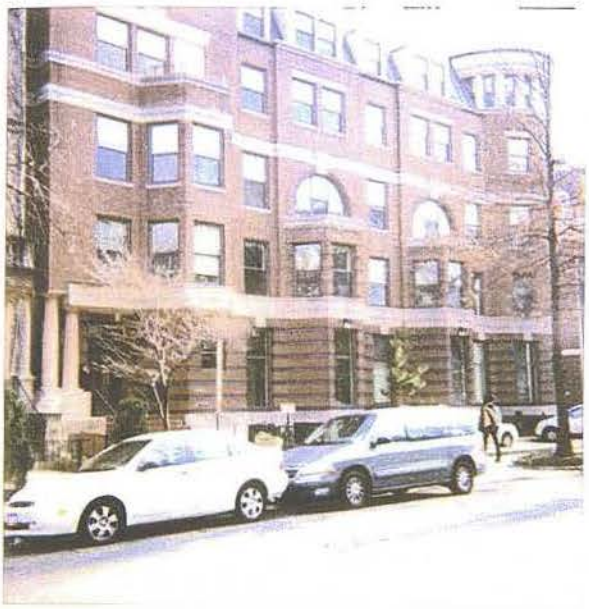
EXHIBIT F

LEASE EXPIRATION DATES
FOR TENANTS OF
1615 NEW HAMPSHIRE AVE., NW

Tenant	Location	Type	Expiration
International Law Institute	Lower level and first floor	Commercial	June 30, 2003
Asbill, Junkin, & Moffitt	Second floor	Commercial	January 31, 2005
Republic of Georgia	Third floor	Chancery	December 31, 2003
Shawn Campbell	Fourth floor, #41	Residential	Month to month
None	Fourth floor, #42	Residential	None
Karen Usdin	Fourth floor, #43	Residential	December 31, 2002
Carole Burns	Fourth floor, #44	Residential	Month to month
Fiona Boyce	Fourth floor, #45	Residential	Vacant as of August, 28, 2002
None	Fifth floor #51	Residential	None
None	Fifth floor, #52	Residential	None
Peter Barani	Fifth floor, #53	Residential	March 31, 2002
Nauru Phosphate	Fifth floor, #54	Residential	To be delivered vacant at closing
Nauru Phosphate	Fifth floor, #55	Residential	To be delivered vacant at closing
None	Fifth floor #56	Residential	To be delivered vacant at closing
George Karapetyan	Fifth floor, #57	Residential	September 30, 2002 (month to month expected)



NEW HAMPSHIRE AVENUE FAÇADE



CORCORAN STREET FAÇADE



CORNER OF NEW HAMPSHIRE AVENUE
AND CORCORAN STREET

H

CASE 02-25

EXHIBIT 18H

HAS OVERSIZED DOCUMENT

SEE FILE AT ZONING COMMISSION