GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

ZONING COMMISSION
District of Columbia
Case 02-25
Exhibit 19

TO: D.C. Zoning Commission

FROM: Andrew Altman, Director

DATE: September 5, 2003

SUBJECT: **Zoning Commission Case No. 02-25**: Application for Special Exception to approve the campus plan for University of Notre Dame, 1615 New Hampshire Avenue, N.W., Lot 249 in Square 155

APPLICATION

The application by the University of Notre Dame requests approval of a special exception to allow the use of an existing building at 1615 New Hampshire Avenue, N.W. (Square 155, Lot 249), as a University campus, pursuant to 11 DCMR §3104.4 and subject to the standards outlined in 11 DCMR §507.

SUMMARY RECOMMENDATION

The Office of Planning (OP) is working with the applicant to devise a set of acceptable conditions and is unable to make a recommendation at this time. OP will submit a supplemental report prior to the hearing.

SITE AND AREA DESCRIPTION

The subject property is located in an area with a predominantly residential character consisting of large historic structures used for apartment buildings, embassies, and offices. The proposed campus is located on the south side of the 1600 block of New Hampshire Avenue, N.W. on the northeast corner of the intersection of New Hampshire Avenue, N.W. and Corcoran Street, N.W. The property is generally triangular is shape. It has approximately 101 feet of frontage on New Hampshire Avenue and approximately 136 feet of frontage on Corcoran Street, N.W. The property abuts a fifteen foot wide alley in the rear. The property is currently improved with a mixed use building containing offices, a chancery, and apartments. The building has 11 on-site parking spaces.

The properties immediately adjacent to the site to the northeast are 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. There is limited on-street parking. However, the area is well served by public transportation and is within walking distance of the Dupont Circle Metrorail station.

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The subject structure was built in 1985 pursuant to BZA Application #13810 and subsequently modified in 1990 by BZA Application#15331. The building comprises six floors which includes a lower level and underground parking garage. The building is 6,660 square feet with total gross floor area of 26,640 square feet. Currently, the lower level and the first three floors and a portion of the fourth floors are used to house several offices and a chancery. The remaining fourth and entire fifth floors contain residential units consisting of 5 studio and 7 one-bedroom apartments.

The building has three entrances. The commercial occupants enter from New Hampshire Avenue, N.W. Residents enter from Corcoran Street, N.W. and use a separate lobby and elevator to gain access to the residential units. Commercial deliveries are made through a separate entrance on Corcoran Street., N.W. The underground parking garage has eleven parking spaces.

ZONING

The subject property is located in a SP-1 zoned district, the Dupont Circle Overlay District (DCOD), and within the boundaries of the Dupont Circle Historic District (DCHD). In an SP-1 district Universities are allowed by special exception. Special purpose districts are designed to stabilize areas adjacent to existing apartments, offices, institutions, and mixed use buildings. §500.1. The major purpose of the SP district is to act as a buffer between adjoining commercial and residential areas and to ensure that new development is compatible in use, scale, and design with the transitional function of this district. §500.2. The SP-1 district is designed for medium density. §500.4. Off-street parking requirements must be met pursuant to §2101.1 subject to approval by the Zoning Commission in the campus plan as per §2106.1. The proposed campus and existing building on the subject lot will comply with all applicable zoning requirements with the exception of parking requirements as shown on Table 1.

Table 1

	Required	Existing	Proposed
Lot Area	**1,800 sq. ft. minimum**	**6,660 sq. ft.**	**6,660 sq. ft.**
Lot Width	**18 ft.**	**100 ft.**	**100 ft.**
Lot Occupancy	**5,280 sq. ft. or 80%**	**80%**	**80%**
Floor Area Ratio	**4.0 max.**	**1.5 residential 2.5 office**	**1.5 residential 2.5 office**
Parking Spaces	**Determined by use**	**11**	**11**
Rear Yard	**12 ft. min.**	**12 ft.**	**12 ft.**
Side Yard	**N/A**	**N/A**	**N/A**
Height	**65 ft. max.**	**65 ft.**	**65 ft.**

The DCOD is designed to protect and retain the low scale predominately residential character of the Dupont Circle area. §1501.1. The DCOD ensures compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to the underlying zone. §1501.4 (a). The DCOD seeks to enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development. §1501.4 (c).

PLAN DESCRIPTION

The University of Notre Dame's Washington Program was established in 1997. Currently, the program has twenty-five (25) students per semester and is located in leased space at 2807 Connecticut Avenue, N.W. The program's curriculum consists of a core seminar, 2 elective courses, a student internship, co-curricular activities and a variety of lectures. The heart of the Washington Program experience is the student internship. The internship is designed to provide students 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 based in Washington, D.C. Internships require students to work between 20 and 25 hours per week.

The University plans to expand its current enrollment from 25 to 50 students over the next several years. The University currently employs one full time Director and one part-time Assistant Director. The applicant anticipates hiring an executive director, a full time associate director, a facility manager, secretary, and 4 adjunct faculty members per semester. At full capacity, the University anticipates a student population of 50 and a faculty and staff of 8 full time equivalents.

ANALYSIS

A college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an SP District if approved by the Zoning Commission under §3104, subject to the provisions of this section. §507.1.

Upon receiving an application for an approval under §507, the Commission shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District departments and agencies, including the Departments of Public Works and Housing and Community Development, and, if a historic landmark or historic district is involved, the State Historic Preservation Officer. §507.2.

Historic Preservation, now a division within the Office of Planning, has no comment on the application. OP has not received any reports or comments from the District Division of Transportation or the Department of Housing and Community Development.

The applicant shall have submitted and the Commission shall have approved a plan for developing the campus as a whole. §507.3.

Table 2 shows the square footage of current and proposed uses and expiration dates for existing leases.

Table 2

Floors	Existing Tenants/Use	Square Foot	Lease Expiration
Underground Parking	**11**	**5,738**	**Various**
Lower	**International Law Institute & Bldg Mechanical rooms**	**4,928**	**6-31-03**
First	**International Law Institute**	**5,328**	**6-31-03**
Second	**Law Offices of Asbill, Junkin, Myers & Buffone**	**5,328**	**1-31-05**
Third	**Embassy of the Republic Of Georgia**	**5,175**	**12-31-03**
Fourth	**International Law Institute &** **5 Residential Units**	**1,405** **3,923**	**6-31-03** **2 vacant & 3 units are month to month**
Fifth	**7 Residential Units**	**5,328**	**5 vacant & 2 units are month to month**

Table 3 shows the breakdown in uses and parking requirements for the proposed campus plan.

Table 3: Proposed Campus Plan

Lower Level	Administrative Offices
First Floor	Administrative Offices & Student Housing
Second Floor	Classrooms
Third Floor	Classrooms
Fourth Floor	Student Housing
Fifth Floor	Student Housing

Table 4 shows the breakdown in uses and the parking requirement for the proposed campus by fall 2003.

Table 4: Fall 2003 – Immediate Occupancy Campus Plan

Lower Level	Administrative Offices
First Floor	Administrative Offices
Second Floor	Leased Commercial Tenant
Third Floor	Leased Commercial Tenant
Fourth Floor	Student Housing (2 units - Apts# 42 & 45)
Fifth Floor	Student Housing (5 units - Apts# 51, 52, 54, 55, 56)

According to the applicant, no changes will be made to the exterior of the building. The interior of the building will be renovated and reused by the University as the leases held by current tenants expire and the space is vacated. The applicant plans to utilize the lower level and first floor for its administrative offices and student housing, second and third floors for classrooms and the top two floors for additional student housing. See Table 3.

The University anticipates moving its administrative offices into the lower and first floors during the summer of 2003 and to house its entire program at the site by fall 2003 as shown in Table 4. The University will continue to lease portions of the building to other commercial tenants based upon existing leases until its space needs change due to increases in enrollment. The applicant has indicated that it will have classrooms on the second and third floors. Since leases for the second floor will not expire until January 31, 2005 and leases for the third floor do not expire until December 31, 2003, it is unclear how and when those spaces will be reused. See Exhibit F: Chart of Lease Expiration Dates. OP has requested clarification of the timing and use.

The renovations to the office space are expected to be minimal requiring only upgrades and appropriate office furniture. Similarly, the applicant has stated that the site has existing space for classrooms requiring minimal modifications. The single major alteration to the existing floor plan will be the addition of student housing on the first, fourth, and fifth floors.

The fourth and fifth floors have a combined total of approximately 10, 656 square feet and contain 12 residential units. There are 5 studio units and 7 one-bedroom units. The applicant has not provided information as to how the space will be reconfigured to accommodate student housing. The University

has stated that it will not force any tenant to relocate. Therefore, full occupancy of the building is not expected until all residential tenants have moved out of the building as shown in Table 3. OP acknowledges that 7 of the residential units are currently vacant and can be reused by the University immediately, but 5 residential units contain month to month tenants. Residential units on the fourth and fifth floors will eventually be reconfigured to accommodate up to 50 students per semester. OP has requested additional information about where and when housing will be expanded.

The plan required in §507.3 shall show the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to,

(a) Buildings, parking and loading facilities, screening, signs, streets and public utility facilities;

The campus will occupy the existing 26,640 square feet building on the site. The University will make no changes to the exterior of the building. The only exception is the addition of a sign similar in size to one that already exists at the site. The existing building complies with bulk, height, lot occupancy, and all other applicable zoning requirements. The only exception is meeting its off-street parking requirement. However, for reasons discussed below, OP does not believe that the absence of 3 spaces will have negative impacts at this time. The applicant will also make any necessary changes or modifications to comply with applicable building, fire, or ADA requirements.

There is high demand for limited on-street parking. The underground parking garage has 11 parking spaces to be used by University staff. Since students attending the University are only housed at the site

for one semester, use of public transportation is encouraged. The applicant further states that in the 5 years since the inception of the program, no student has ever brought a car to the program.

Deliveries are made to the facility from the Corcoran Street, N.W through a separate entrance adjacent to the public alley into the lower level of the building. There is also a separate elevator for commercial use.

(b) Athletic and other recreational facilities;

The applicant states that there will be no athletic or recreational facilities associated with the campus.

(c) A description of all activities conducted or to be conducted in the proposed facilities; and

The subject site will be used for classroom, office and student housing.

(d) A description of the capacity of all present and proposed campus development. §507.4

The University currently has 25 students enrolled in its Washington Program located in leased space at 2807 Connecticut Avenue, N.W. The University now employs one full-time Director and one part-time Assistant Director. The University hopes to double its student enrollment over the next several years. Similarly, the applicant's staffing needs will increase to 8 full time equivalents with the addition of an executive director, associate director, facility manager, secretary, and 4 adjunct faculty members.

The applicant will continue to lease space to other tenants in the building until such time as its space needs increase.

The plan required in §507.3 may provide for the interim use, for a limited period of time, of land or improved property with any use that is a proper college or university function. §507.5.

The University's Program is currently housed at 2807 Connecticut Avenue, N.W. The applicant expects to house its entire program at the site by fall 2003. It appears that the University will continue to lease space at another location until full occupancy at the proposed campus is achieved by fall 2003.

The Commission may approve the plan submitted in accordance with §§507.3 through 507.5, or any amendment to the plan, concurrent with an application for approval of a specific college or university building or use. §507.6.

In approving the submitted plan, the Commission shall determine that the use is located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. §507.7.

The applicant estimates that the proposed changes will reduce the number of office workers from approximately 50 to 8 and thus will not become objectionable to neighboring property. Although OP agrees that the proposed use should not become objectionable, OP has concerns about the timing and transition of the property. First, the leases for the tenants on the second and third floors do not expire until 2003 and 2005 respectively. Therefore, those office employees will remain in the building and the applicant may continue to lease this space to commercial tenants as long as its own space needs are met.

Second, five residential tenants will continue to lease on a month to month basis for an indefinite period of time. As stated in the application, the University will occupy space as it becomes vacant according to its space needs. There could be a variety of overlap between commercial tenants, residents, and students. Thus, there is no way to know exactly how many employees, residents, or students will occupy the building at any given time.

In OP's opinion, the campus plan as proposed would not become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. The single greatest change in use with the potential to cause objectionable conditions is the addition of student housing on the site. The potential negative impact is mitigated for the following reasons. First, the student population will never exceed 50. Second, the primary location of the student housing will be the fourth and fifth floors of the building. This location is situated well within the confines of the building and will minimize any noise to adjacent property. Third, students are housed at the site for one semester. Lastly, students will be encouraged to use public transportation and will not have vehicles.

Less significant, but equally important is the potential for the University to lease space to commercial tenants in the future whose needs exceed parking capacity in the area.

In approving any application for a specific college or university building or use, the Commission shall determine that the proposed building or use is consistent with the approved campus plan; and further, that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. §507.8.

For a college or university use, if a campus plan has been approved by the Zoning Commission or the Board of Zoning Adjustment for the college or university, parking shall be provided as set forth in the approved campus plan. §2106.1.

The applicant states that the building will be used in virtually the same manner as it is currently being used and therefore will produce no discernible change from the existing uses on the

property.

OP agrees with the applicant for the following reasons. First, the subject building will be used for the University of Notre Dame's Washington Program. Students will attend this program for one semester only. The University has an enrollment of only 25 students and will not exceed 50 students. The crux of the program is the internship experience. The internships do not occur on-site but at various office locations in the Washington area. Because the University's enrollment will not exceed 50, the impact may be similar to that of an office. Second, office use will continue as the predominate use with the exception of the conversion of residential units to student housing. Currently, the first 3 floors are used for office space. Once occupied by the University, the primary use of this space will continue to be office and classroom use.

As stated above, the major change in use will be the conversion of the residential units to student housing or "dormitory" type housing. This change could be problematic for several reasons. This will be a transient student population versus long term tenants or a traditional 4 year campus. The students will generally be younger and may engage in the types of activities that are generally associated with student dormitories. With respect to sheer numbers, the population of the area will increase from 12 tenants to potentially 50 over the next several years.

On the other hand, the short-term residency of the student body has positive implications because students will most likely use public transportation, which minimizes competition for limited on-street parking. Negative impacts associated with student housing are minimized because the number of students will never exceed 50. Moreover, the campus is a "satellite" type campus and not a traditional university campus.

The basis for OP's conclusion is that the building now contains approximately 50 office employees and 5 residential tenants. The current situation has not caused any negative consequences as evidenced by the ANC's vote of support for this application. In addition, the area is well served by public transportation being only three blocks away from the Dupont Circle Metrorail station.

In OP's opinion, the building intensity of use will increase and there is a risk that parking demand will exceed supply as the number of commercial tenants change and the student population increases. OP recommends the Commission require the University to commit to efforts to encourage ridesharing, transit, bicycle and pedestrian modes of transportation by employees, students, faculty and visitors.

Section 3104.1

The standard by which the BZA should approve a special exception is set forth in Section 3104.1 of the Zoning Regulations.

> ***. . . special exception will be in harmony with the general purpose and intent of the***

Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

COMMUNITY CONCERNS

The ANC voted to support the application on August 14, 2002.

SUMMARY AND RECOMMENDATION

The Office of Planning is working with the applicant to devise a set of acceptable conditions and is unable to make a recommendation at this time. OP will submit a supplemental report prior to the hearing.

Attachments

Aerial
Photographs
Exhibit F: Chart of Lease Expiration Dates

AA/vr



Feature Key

Zoning Boundaries
Square Index

Zoning Commission
Case No. #02-25

DC Office of Planning
January 31, 2002

Scale 1:1262

N

25 0 25 50 75 Feet

Attachment 1

Attachment: Photographs



On southeast corner of New Hampshire Ave., NW and Corcoran St., NW facing north.



Standing on Corcoran St., NW facing east.



Residential entrance at public alley and Corcoran St., NW at rear of property.

Attachment: Photographs



Entrance to parking garage at rear of property adjacent to public alley and Corcoran St., NW



Top floors of subject building standing across the street on New Hampshire Ave., NW facing east.



View of circular driveway from New Hampshire Ave., NW. facing north.



Front view of building from New Hampshire Ave., NW.



Facing south on New Hampshire Ave., NW.



Front view of building standing across the street on New Hampshire Ave., NW facing east.

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, 2002
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)