BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

Application of Cornell University
Square 69, Lot 821
2148 O Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

DISTRICT OF COLUMBIA
ZONING COMMISSION
2006 DEC 13 PM 2:11

I. Background:

The subject property is located on the southeast corner of the intersection of 22nd and O Streets, N.W. The Applicant and owner, Cornell University, occupies the first floor of the building as the campus of its Cornell in Washington program, which is designed to offer highly qualified students from all colleges within Cornell University an opportunity to earn full academic credit for a semester in Washington, DC. The structure, formerly a 35-unit apartment building, contains approximately 26,077 square feet of gross floor area on four floors and in the basement. The upper three floors contain 27 residential units and are occupied as a matter-of-right apartment house pursuant to Certificate of Occupancy No. B136431 (October 3, 1983). These upper floors are not a part of this application. These apartments have been occupied by Cornell faculty and students since 1983. Pursuant to BZA Order Nos. 14044 (January 31, 1984) and 14623 (December 2, 1987), the first floor has been renovated and occupied as an institution of higher learning for Cornell for approximately 20 years, pursuant to Certificate of Occupancy No. 138706 (May 15, 1984).

The Applicant wishes to expand the University campus to include the basement. The Applicant seeks an amendment to the approved campus plan and further processing under §352.2 of the Zoning Regulations in order to allow this expansion, in accord with the current Zoning Regulations.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Commission no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Commission's approval of the requested special exception. Following herein, as required by the Commission's application process, is a summary statement indicating how the Applicant will meet its burden of proof.

ZONING COMMISSION
District of Columbia
CASE NO. 03-32
EXHIBIT NO. 5

ZONING COMMISSION
District of Columbia
CASE NO.03-32
EXHIBIT NO.5

II. Burden of Proof:

Pursuant to § 210.1 of the Zoning Regulations, use as a college or university that is an academic institution of higher learning shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of § 210. The Subject Property is in compliance, as set forth herein:

Section 210.2:

Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

Cornell University has used the first floor of the building as an institution of higher learning for the past 20 years. This use was found by the Board to be not likely to become objectionable because of noise, traffic, number of students, or other objectionable conditions. This is a highly selective program with strict rules and criteria for admission and for student conduct imposed both by the University, and by the terms of the BZA Orders. The use expansion will be limited to the basement. No additional noise will be generated, because the same rules and conditions approved in the prior BZA Orders will continue to govern. Further, the subject property is located in close proximity to mass transit and the University actively discourages bringing private automobiles to the site. Students are prohibited from bringing cars to the Washington area unless they provide evidence to the Executive Director of the program that their cars will be parked elsewhere on private property and not on area streets, for the term of their enrollment in the Cornell in Washington program. The University does not permit or authorize any student to apply for residential permit parking. The number of students will not increase with this amendment – the maximum enrollment for the program during any one semester will continue to be 75. This expansion is intended to provide more room "on campus" for the programs for these students as well as space for research functions of established academics.

Section 210.3:

In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the Districts may be increased for specific buildings or structures; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District. In all other Residence Districts, similar bulk increases may also be permitted; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District. Because of permissive increases as applicable to normal bulk requirements in the low-density districts

regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts.

The subject property is located within the R-5-B District. The proposed university academic and administrative use will occupy the basement and first floor, which includes approximately 1.6 FAR of the existing building.

Section 210.4:

As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following:

(a) Buildings and parking and loading facilities;
(b) Screening, signs, streets, and public utility facilities;
(c) Athletic and other recreational facilities; and
(d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.

Architectural plans constituting the University's long-range plans for the building were submitted and approved in conjunction with the prior Orders. The conceptual drawing for the basement level is submitted herewith.

Section 210.5:

Within a reasonable distance of the college or university campus, and subject to compliance with § 210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.

This paragraph is not applicable to this application. The Applicant does not seek relief in this application for the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.

Section 210.6:

When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Commission has approved an amendment to the campus plan applicable to the site; provided, that for this

purpose a major new building is defined as one specifically identified in the campus plan.

This paragraph is not applicable to this application.

Section 210.7:

In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.

The Comprehensive Plan's Ward 2 Element emphasizes the importance of developing an overall combination of existing and new arts, cultural and educational facilities within the Ward. Cornell University's expansion of university academic uses supports and furthers this important objective.

The Ward 2 Element also encourages the improvement of mobility in the Ward, while minimizing adverse transportation impacts on residential neighborhoods. As detailed above, the subject application fully supports this objective of the Comprehensive Plan. The property is located in close proximity to mass transit and the University actively discourages bringing private automobiles to the site.

Section 210.8:

As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved.

The university academic and administrative use of the building will be approximately 1.6 FAR. There is no new building construction in conjunction with this application.

Section 210.9:

Before taking final action on an application for use as a college or university, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Transportation for review and written reports.

It is the Applicant's understanding that the Office of Planning and the Department of Transportation will receive a referral of this application.

Statement of Existed and Intended Uses

Cornell University currently occupies the first floor of the subject property as the campus for its Cornell in Washington program, pursuant to BZA Order Nos. 14044 and 14623. The basement level of the building is vacant. The upper three floors contain 27 residential units, with a certificate of occupancy as an apartment house.

The applicant proposes to occupy the basement level of the building as part of its Cornell in Washington program. A concept floor plan of the basement level is included with this application.

1219487_v1