

January 29, 2008

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VIA HAND DELIVERY

Jerrily R. Kress, Director
Office of Zoning
441 4th Street, N.W.
Suite 210-S
Washington, DC 20001

03-32A

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**Re: Request for Minor Modification of Approved Plans
Zoning Commission Case No. 03-32 - Cornell University
2148 O Street, N.W. (Square 69, Lot 821)**

Dear Ms. Kress:

This letter is submitted on behalf of Cornell University (the "Applicant") to request a minor modification of Zoning Commission Order No. 03-32A pursuant to Section 3030 of the Zoning Regulations. As further explained below, the proposed modification would provide flexibility to allow personnel from other educational institutions to conduct academic and administrative functions in the lower level of the building, subject to all of the other conditions and restrictions in the Order. Because the requested modification is "of little or no importance or consequence," the Applicant respectfully requests that, in the interest of efficiency, the Commission place this matter on the consent calendar for disposition without the need for an additional public hearing.

Background of Case

The Applicant owns and occupies a four-story building at 2148 O Street, N.W. as its Cornell in Washington program. The building is located on the southeast corner of the intersection of 22nd and O Streets, N.W. The subject property is identified as Lot 821 in Square 69 and covers approximately 6,300 square feet of land area. Square 69 is bounded by 22nd Street on the west, O Street on the north, 21st Street on the east, and N Street on the south, in Northwest D.C. The subject property is located within the R-5-B District and also falls within the Dupont Circle ("DC") Overlay District. The site thus has a zoning designation of DC/R-5-B.

The second through fourth floors of the existing building have been used as a matter of right since 1983 to house Cornell University students and faculty. Pursuant to Board of Zoning

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ZONING COMMISSION
District of Columbia
CASE NO. 03-32A
EXHIBIT NO. 1

Adjustment ("BZA") Order Nos. 14044 (January 31, 1984)(attached as Exhibit A) and 14623 (December 2, 1987)(attached as Exhibit B), the first floor of the building was renovated and occupied by Cornell as an institution of higher learning.

On September 25, 2003, the Applicant filed an application with the Commission seeking special exception relief under Section 352.2 of the Zoning Regulations to permit the use of the building's lower level as an institution of higher learning.¹ Before the Commission's public hearing on the application, Advisory Neighborhood Commission ("ANC") 2B unanimously voted to recommend approval of the application (see letter from ANC 2B dated November 20, 2003 and attached as Exhibit C). In a report dated November 18, 2003, the D.C. Office of Planning recommended approval of the application, subject to ten conditions limiting the use and occupancy of the building's lower level and first floor (see report of the Office of Planning dated December 10, 2003 and attached as Exhibit D). The Commission approved the expansion of the Cornell University campus into the lower level of the building, subject to the conditions recommended by the Office of Planning. See Zoning Commission Order No. 03-32A (August 1, 2004)(attached as Exhibit E).

Proposed Modification

The Applicant seeks to modify portions of two of the conditions set forth in Z.C. Order No. 03-32A. Those conditions limited the use of the first floor and lower level facilities to research, academic, and administrative programs affiliated with Cornell University. The proposed modifications would remove this limitation and allow the affected space to be used by other educational institutions as well. No other aspects of the approved project will be changed, and the Applicant will observe all other conditions of Z.C. Order No. 03-32A. The requested modifications are presented below, with additions in **bold underlined font**:

1. The use of the first floor and lower level shall be limited to the academic and administrative functions of the Cornell in Washington program, **Cornell University**, and other **educational institutions** ~~Cornell academically related programs~~.

...

3. The Cornell in Washington program shall have a maximum enrollment of 75 students. The maximum number of Cornell in Washington faculty and administrative staff using the first floor and lower level at any given time be eight (8) to ten (10). Additionally, up to approximately ten (10) ~~Cornell~~ researchers or other **academic or administrative** ~~academically related~~ personnel may occupy the lower level.

The academic and research program contemplated in the Applicant's original plans for the lower level are dependent upon funding sources that are subject to change from year to year. Funds for the coming year have been awarded to another university that does not have a

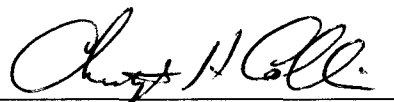
¹ In December 2000, the Zoning Commission transferred jurisdiction over the approval of campus plans from the Board of Zoning Adjustment to the Commission. See Z.C. Order No. 932 (December 8, 2000).

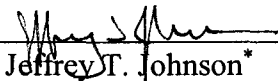
Washington, DC facility. In the interest of efficiency, they have requested permission to locate in the space that would otherwise be occupied by Cornell personnel for this purpose. The proposed modification will not allow any uses that are not already permitted under Z.C. Order No. 03-32A; on the contrary, they will merely allow other educational institutions to use the lower level and first floor of the existing building for the same academic and administrative purposes already approved by the Commission. The only difference is the university with which these individuals will be affiliated. The requested modification is thus "of little or no importance or consequence," as required under Section 3030.2.

We respectfully request that this matter be placed on the consent calendar for disposition without the need for an additional public hearing. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

HOLLAND & KNIGHT LLP

By: 
Christopher H. Collins

By: 
Jeffrey T. Johnson*

Enclosures.

cc: Joel Lawson, D.C. Office of Planning
Ramon Estrada, Chairman, Advisory Neighborhood Commission 2B

* Admitted only in Virginia; supervision by principals of the firm who are members of the DC Bar.