

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C ORDER NO. 03-32A-1
Z. C. Case No. 03-32A
(Cornell University – Minor Modification to Approved Campus Plan)
February 11, 2008

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public meeting on February 11, 2008 to consider a request from Cornell University (the "Applicant") for a minor modification to a campus plan approved pursuant to Zoning Commission Order No. 03-32A, dated July 29, 2004. The matter was placed on the consent calendar pursuant to 11 DCMR § 3030 and, for the reasons stated below, was approved without a hearing or referral to the National Capital Planning Commission.

FINDINGS OF FACT

1. The Applicant owns and occupies a four-story building at 2148 O Street, N.W. as its Cornell in Washington program. The subject property is identified as Lot 821 in Square 69 and contains 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 in the R-5-B District and also falls within the Dupont Circle ("DC") Overlay District. The property thus has a zoning designation of DC/R-5-B.
2. By Z.C. Order No. 03-32, dated December 11, 2003, the Commission approved the Applicant's application for a modification of a previously approved campus plan to allow the expansion of the Cornell in Washington program into the lower level of the existing building on the site. Pursuant to 11 DCMR § 3125.9, Z.C. Order No. 03-32 (the "Original Order") became effective on August 4, 2004.
3. On July 29, 2004, the Commission issued Z.C. Order No. 03-32A, which corrected the Original Order and expressly provided that any new construction on the site was to be carried out in accordance with the plans approved by the Commission. Pursuant to 11 DCMR § 3125.9, Z.C. Order No. 03-32A became effective on August 11, 2004.
4. Condition Nos. 1 and 3 of Z.C. Order No. 03-32A limited the use of the first floor and lower level of the Applicant's building to research, academic, and administrative programs affiliated with Cornell University.

5. By letter dated January 29, 2008, the Applicant filed a request for a minor modification to Z.C. Order No. 03-32A, to be placed on the Commission's consent calendar pursuant to 11 DCMR § 3030. That letter requested that the Applicant be granted the 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 set forth in Z.C. Order No. 03-32A.
6. The Applicant submitted evidence that it had duly served a full copy of its request for a minor modification on Advisory Neighborhood Commission 2B (the only other party in the original proceeding) and the Office of Planning in accordance with 11 DCMR § 3030.6. No comments were received from either of those entities.
7. The Applicant's modification request was placed on the consent calendar for the Commission's February 11, 2008 regular monthly meeting.

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modification is minor as that term is defined in 11 DCMR § 3030.2 and is consistent with the intent of Z.C. Order No. 03-32A. The Commission further holds that the Applicant has satisfied all of the requirements set forth in 11 DCMR § 3030. The Commission concludes that the proposed modification is in the best interest of the District of Columbia and is not inconsistent with the intent or purpose of the Zoning Regulations and Zoning Map.

The requested modification is of such a minor character that its consideration as a consent calendar item without public hearing or referral to the National Capital Planning Commission for review and comment is appropriate.

DECISION

In consideration of the reasons set forth herein, the Zoning Commission hereby orders **APPROVAL** of a minor modification to allow the Applicant the flexibility to permit personnel from other educational institutions to conduct academic and administrative functions in the lower level of its Cornell in Washington facilities at 2148 O Street, N.W. Accordingly, Z.C. Order No. 03-32A is hereby modified as follows:

1. Condition No. 1 shall be revised to read as follows:

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 personnel from other colleges and universities.

2. Condition No. 3 shall be revised to read as follows:

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 shall be eight (8) to ten (10). Additionally, up to ten (10) researchers or other academic or administrative personnel may occupy the lower level.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (the "Act"). This Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

At its February 11, 2008 public meeting, the Zoning Commission **APPROVED** this application by a vote of 5-0-0 (Anthony Hood, Michael G. Turnbull, Gregory N. Jeffries, Curtis Etherly, Jr., and Peter G. May to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on APR 11 2008



ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING L

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Zoning Commission



Z.C. CASE NO.: 03-32A

As Secretary to the Commission, I hereby certify that on APR - 7 2008 copies of this Z.C. Order No. 03-32A-1 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY:

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