GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

October 11, 2011

By US Mail and Email PDF

Christopher H. Collins, Esquire
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Washington, DC 20006

Re: 2011 Eye Street, NW (aka 2011 Pennsylvania Avenue, NW) Square 78, Lot 37

Dear Mr. Collins:

The purpose of this letter is to confirm that the conversion of an additional floor in the above-referenced building from office use to university student housing use, as further described below, is permitted as a matter of right and will not require any further action by the DC Zoning Commission.

My attached letter to you of January 31, 2008 sets forth the details of the then-proposed conversion of three of the eight office floors of that building by Pepperdine University for dormitory, classroom and administrative office use. I understand that the university use has since been established on those three floors. As explained in that letter, the only zoning issue that would be raised with that proposed use was parking.

The current proposal is to convert an additional floor of the building from office use to university student housing use. As noted in the attached letter, if the parking requirement for the proposed university use is less than the parking requirement for the existing office use of that floor, then no additional parking is required for the conversion. Each office floor contains 5,028.63 sq. ft. of gross floor area. One office floor would therefore generate a parking requirement of three spaces. The proposed university use on that floor will be entirely devoted to an expansion of the university's student housing use for its program in the building. The Schedule of Parking Requirements in Chapter 21 of the Zoning Regulations counts only teachers and classroom/stadium/auditorium seats. I understand that there will be no increase in the number of teachers or classroom seats in this proposal. I also understand that auditorium and stadium seats are not included in the current use, nor will they be included in the proposed

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residential expansion. Therefore, the proposed expansion of the university student housing use onto an additional floor of the building will not require any parking.

Because the parking requirement of 0 spaces for the proposed university student housing use is less than the current parking requirement of three spaces for the office use of that floor, the proposed university student housing use as described herein is permitted as a matter of right for zoning purposes, without the need for further Zoning Commission Action.

If you have any questions regarding this matter, please contact me at (202) 442-4576.

Sincerely, Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Attachment: 1-31-2008 Letter to Collins

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

January 31, 2008

Mr. Christopher H. Collins, Esquire
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.

Re: 2011 Eye Street, N.W.
(aka 2011 Pennsylvania Avenue, N.W.) Square 78, Lot 37

Dear Mr. Collins:

The purpose of this letter to set forth the issues discussed in our meeting on January 18, 2008 regarding the occupancy of three floors in the above referenced building by Pepperdine University for its Washington internship program, including dormitory, classroom and administrative office use. As further explained below, the proposal by Pepperdine University to occupy three floors of the building for university use is permitted as a matter of right, without further action by the D.C. Zoning Commission.

The above-referenced property is part of a PUD that was approved by the Zoning Commission in Order No. 563 (Amended), in Case No. 87-23C, dated April 8, 1988. The PUD is comprised of three components, as follows:

1. 2001 Eye Street, N.W., former lots 35 and 36 (the "New Building");

2. 2011 Eye Street, N.W., lot 37 (the "Subject Property"); and

3. The Arts Club, lot 846.

Exhibit 3 of the PUD record includes a Tabulation of Development Data on page x. The Subject Property is identified as having a height of 75 feet, an FAR of 6.45, a gross floor area of 40,229 square feet, and 20 parking spaces. According to page 2 of Exhibit 3, "the renovated office building at 2011 Eye Street (Lot 37) and the Arts Club (Lot 846) will remain as they

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presently exist." Finding No. 4 and Condition No. 8 of the PUD Order indicate that 37,000 square feet of gross floor area from the Arts Club and 2,500 square feet of gross floor area from the Subject Property was transferred to the New Building. Finding No. 7 and Condition No. 5 of the PUD Order indicate that the FAR of the Subject Property will not exceed 6.44. Condition No. 6 of the PUD Order indicates that the Subject Property will maintain its lot occupancy of 83 percent. There is no other substantive discussion of the Subject Property in the PUD Order.

There is no restriction in the PUD Order as to the permitted uses of Lot 37. A university use is permitted as a matter of right in the C-3-C Zoning District pursuant to Sections 701.6(f), 721.1, and 741.1 of the D.C. Zoning Regulations. Accordingly, the PUD Order does not restrict this proposed university use, provided that all other relevant requirements of the Zoning Regulations are met.

In this case, the proposal is to convert three floors of office use to university use. The only zoning issue that would be affected is the parking. If the parking requirement for the current office use is equal to or greater than the parking requirement for the proposed university use, then no additional parking is required. In this instance, with the eight floors of the building containing 40,229 square feet of gross floor area, the three floors of office use contain 15,085.87 square feet of gross floor area, thus generating a parking requirement of eight spaces. The university proposes to use two floors for residential dormitory use, and one for class room/administrative office use. There will be three semesters during the year (fall, spring and summer). Students who live in the building will work at their internship programs during the day, and will attend classes on-site at night. The university will conduct two classes each weekday evening, each with up to 12 students and one faculty member. Thus, the maximum total classroom occupancy at any one time is 24 students and two faculty members. The parking requirement for a university is two spaces for each three teachers, plus one space for each ten classroom seats. The total parking requirement for the university use is therefore three spaces.

Thus, the parking requirement of three spaces for the university use will not exceed the current parking requirement of eight spaces for those three floors of office use. Accordingly, the proposed university use is permitted as a matter of right for zoning purposes, without the need for further Zoning Commission action.

If you have any questions regarding this matter, please contact me at (202) 442-4576.

Sincerely,

Matthew LeGrant
Zoning Administrator