

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 10-13
Z.C. Case No. 10-13
(Campus Plan – Trustees for Harvard University
Dumbarton Oaks Research Library and Collection)
September 16, 2010

Application of Trustees for Harvard University, pursuant to 11 DCMR §§ 210.1 and 3104.1, for special exception approval for a new 10-year campus plan for the Dumbarton Oaks Research Library and Collection on property zoned R-1-B, with premises address of 1703 32nd Street, N.W. (Square 2155, Lot 812).

HEARING DATE: September 16, 2010
DECISION DATE: September 16, 2010 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Zoning Commission for the District of Columbia (the “Commission”) provided proper and timely notice of public hearing on this application by publication in the *D.C. Register*, and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 2E, and to owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 2E, which is automatically a party to the case. ANC 2E submitted a letter in support of the application. (Exhibit 18.) The application was also referred to the D.C. Office of Planning (“OP”) for review and report. OP submitted a written report in support of the application, with four conditions: (i) the approval would be for ten years, until December 31, 2010; (ii) the total number of fellows shall not exceed 30; (iii) the total number of employees and staff shall not exceed 139; and (iv) the number of parking spaces shall range from 60 to 63. (Exhibit 21.)

As directed by 11 DCMR § 3119.2, the Commission required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under 11 DCMR § 210. The Applicant submitted an extensive written statement on all aspects of the special exception and offered to submit the case on the record, which the Commission accepted. No person or entity appeared at the public hearing in opposition to the application or requested to participate as a party in this proceeding. Accordingly, a decision by the Commission to grant this application would not be adverse to any party. Based upon the record before the

Commission, the Commission concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1 and 210 and that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS**:

1. The campus plan shall be valid for a period of 10 years, until December 31, 2020.
2. The total number of fellows shall not exceed 30.
3. The total number of employees and staff shall not exceed 139.
4. The number of parking spaces shall range from 60 to 63.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 5-0-0 (Peter G. May, Michael G. Turnbull, Anthony J. Hood, Konrad W. Schlater, and Greg M. Selfridge to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

The majority of the Commission members approved the issuance of this Order

ATTESTED BY: 
JAMISON L. WEINBAUM
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: October 15, 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE COMMISSION SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (“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, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 10-13

As Secretary to the Commission, I hereby certify that on OCT 14 2010 copies of this Z.C. Order No. 10-13 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1. <i>D.C. Register</i> | 4. Gottlieb Simon
ANC
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Washington, D.C. 20004 |
| 2. Norman Glasgow, Jr., Esq.
Carolyn Brown, Esq.
Holland & Knight
2099 Pennsylvania Ave., N.W.
Suite 100
Washington, D.C. 20006 | 5. Councilmember Jack Evans |
| 3. ANC 2E
3265 S Street, N.W.
Washington, DC 20007 | 6. DDOT (Karina Ricks) |
| 3. Commissioner Charles F. Eason, Jr.
ANC/SMD 2E07
3027 Cambridge Place, N.W.
Washington, DC 20007 | 7. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, DC 20024 |
| | 8. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning