



Richard W. Carlson, Director
Department of Terrestrial Magnetism
5241 Broad Branch Rd. NW
Washington DC 20015
202-478-8474, rcarlson@carnegiescience.edu

Board of Zoning Adjustment
441 4th Street, NW
Suite 200-S
Washington, DC 20001

January 9, 2015

Re: BZA Case 18898--Ingleside at Rock Creek--Request for Postponement of Public Hearing

Dear Members of the BZA:

The Carnegie Institution of Washington hereby requests that the public hearing on this application, scheduled for Tuesday, January 13, 2015, be postponed for one month in order to allow Carnegie and Ingleside to complete the negotiation of a written agreement that will provide necessary and adequate protections to Carnegie's important mission from the construction and operation of the expanded Ingleside facility. Carnegie filed a request to participate as a party on December 15, 2014 in order to protect our interests as an immediately abutting neighbor. Our party status request lists the research programs in astronomy, geobiology, Earth science, and material science that have the potential to be severely compromised if proper and adequate steps are not taken by Ingleside in its proposed construction and operation. A copy of our party status request is attached.

Ingleside has spent a significant amount of time negotiating a 16-page agreement with the Advisory Neighborhood Commission, which was finalized a month ago, and they should be commended for that. However, we feel that Ingleside has not given serious attention to the potentially adverse effects that it will cause to Carnegie's mission and operations. We have started negotiating a written agreement with Ingleside, and have made some progress. We have been trying to get their attention in order to complete that agreement, and only received an email from their attorney last evening, after working hours, with a revised draft. The revised draft agreement presented to us last evening still needs significant work. I am personally tied up with other important commitments today and Monday, and cannot devote full attention to their latest draft until mid-week next week at the earliest. With only two working days to go before the BZA hearing, Ingleside is attempting to force us to accept a presently-unacceptable document. This gives us no alternative but to ask the BZA to postpone the hearing so that we can have adequate time to review and address each of the outstanding issues. There is simply not enough time between now and Tuesday to address those outstanding issues and complete an agreement that will adequately protect Carnegie's mission.

We hope that such an agreement can be reached that will allow us to appear as a party in support of the Ingleside application. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Carlson". The signature is fluid and cursive, with the first and last names being more prominent.

Richard W. Carlson
Director
Carnegie Institution of Washington
Department of Terrestrial Magnetism

Board of Zoning Adjustment
District of Columbia
CASE NO.18898
EXHIBIT NO.31

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:			
Address:			
Phone No(s):		E Mail:	
I hereby request to appear and participate as a party in Case No.: 18898			
Signature:		Date:	
Will you appear as a(n)	☐ Proponent	☐ Opponent	Will you appear through legal counsel? ☐ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E Mail:	

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

PARTY WITNESS INFORMATION:

- 1) Dr. Richard Carlson, Director, Department of Terrestrial Magnetism, Carnegie Institution of Washington
- 2) n/a
- 3) Richard Carlson to testify on the sensitivity of Carnegie's research instrumentation to excessive ground vibration caused by construction activities. Dr. Carlson supervises the operation of a number of vibration sensitive research instruments on the Carnegie campus (CV attached).
- 4) n/a

PARTY STATUS CRITERIA:

A written statement setting forth why the person should be granted party status, including reference to the following:

(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the zoning relief requested of the Board; The Carnegie Institution of Washington's Broad Branch Road Campus, 5241 Broad Branch Road, Washington, DC.

(2) The legal interest the person has in the property, such as owner, tenant, trustee or mortgagee; The Carnegie Institution of Washington is the owner of the Broad Branch Road Campus that abuts the property of Rock Creek at Ingleside.

(3) The distance between the person's property and the property that is the subject of the appeal or application before the Board; Carnegie's Broad Branch Road campus abuts the Rock Creek at Ingleside Property along all of Carnegie's eastern property boundary.

(4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the zoning relief requested of the Board is approved or denied; and

The Carnegie Institution carries out a number of research programs in astronomy, geobiology, Earth science, and material science. Many of these research programs rely on measurements made on instruments that are very sensitive to ground vibration. Given the proximity of the proposed location of the addition to Ingleside to the research buildings on the Carnegie campus, we are concerned that our ongoing research program could be compromised if inadequate means are taken to control the ground vibrations created during foundation excavation and construction, and operation of the new building. Our concerns are three-fold: 1) Large ground vibrations that could accompany blasting for excavation. At the worst, these could damage the several-million-dollar instruments housed in Carnegie buildings near the boundary with Ingleside; 2) prolonged ground vibration during excavation and foundation piling installation. The ground vibration associated with these activities is unlikely to be significant enough to damage instruments, but they could disrupt the measurements during the period of foundation construction, likely months. Month's long disruption of these instruments would make it impossible for Carnegie researchers to meet the commitments of several

federally supported research programs; 3) Ground vibration, dust, and damage to the driveway from Ingleside to Broad Branch Road caused by construction traffic that uses this access to the Ingleside property. This drive way, part of which crosses Carnegie property is just below the main Carnegie research building that houses instruments sensitive to ground vibration.

(5)

(6) An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those of other persons in the general public.

We are the only neighbor of Ingleside that is both close enough, and has research instrumentation sensitive enough, to be significantly affected by the ground vibration likely to accompany foundation excavation and installation at Ingleside. The proposed construction site on the Ingleside property is near their western property border, which is Carnegie's eastern property border and close to the main research building on Carnegie's campus that houses vibration sensitive research instrumentation.

CURRICULUM VITAE - Richard Walter Carlson

- Education:** B.A. Chemistry - Earth Science, University of California, San Diego, 1976
Ph.D. Earth Science, Scripps Institution of Oceanography, UCSD, 1980
- Employment:** *Director:* Carnegie Institution for Science, DTM, November, 2014
Acting Director: Carnegie Institution for Science, DTM, May-October, 2014.
Staff Member: Carnegie Institution of Washington, DTM, 1981 - Present.
Postdoctoral Research Fellow: CIW, DTM, 1980 - 1981.
Teaching Assistant: Scripps Institution of Oceanography, 1977.
Research Assistant: Scripps Institution of Oceanography, 1976 - 1980.
- Awards:** Arthur L. Day Medal, Geological Society of America, 2013
Member, National Academy of Sciences, 2012
Inclusion in ISI Highly Cited.com, 2010
Fellow, American Academy of Arts & Sciences, 2009
Hamilton Visiting Scholar, Southern Methodist University, 2008
Norman L. Bowen Award, VGP Section, American Geophysical Union, 2008
Fellow, American Geophysical Union, 2003; Geochemical Society 2003
Louis Murray Fellowship, University of Cape Town, 1999
- Professional Activities:** National Research Council Panel on Explosive Volcanism, 1980
Co-convenor of 1 IGC, 3 GSA, 3 GS, 11 AGU symposiums, and 2 GSA field trips
NSF Earth Science Review Panel, 85-88; CSEDI 96; IF 97-00; SBIR 97-98; CD 05-09.
National Research Council, Committee on the Solid-Earth Sciences, 1988-1989
Continental Lithosphere Workshop, Chair, Origin and Evolution of Continents, 1989
Harry Hess Medal Award Committee of the AGU, 1990-1991
AGU Committee for Studies of the Earth's Deep Interior, 1990- 1992
IAVCEI Representative to the US National Committee for the IUGG, 1991-1995
NSF Committee of Visitors, Petrology and Geochemistry Program, 1993
International Science Foundation Review Panel, 1993-1994
IAVCEI Program Chair, IUGG General Assembly, 1995
Yucca Mountain Probabilistic Volcanic Hazard Project, Expert Panelist, 1995, 2004
U.S. Geodynamics Committee, National Research Council, 1996-1999
AGU-VGP Liaison Press Officer 1996-1998
Chair, Directions and Review Committee for JGR Solid Earth, 1997
Macelwane Medal Award Committee of the AGU, 1998-2000
Committee of Visitors, NSF International Programs, 1999
Steering Committee, USArray, 1999
Panel Member, NASA Instrumentation Program Workshop, 2000
Panel Member, Geoinformatics Workshop, 2000
Invited Discussion Group Leader, White House Diamond Conference, 2001
Chair, EarthScope Science Workshop Organizing Committee, 2001
Invited Participant, Kennedy School of Government Conflict Diamonds, 2001
EarthScope Working Group, 2002
Goldschmidt Medal Award Committee, Geochemical Society, 2002-2005
EarthScope Science and Education Committee, 2002-2004
Civilian Research Defense Foundation, Review Panel, 2003, 2004, 2006
Co-organizer, Integrated Solid Earth Science - Cyberinfrastructure Workshop, 2003
Organizer, Cyberinfrastructure for Solid Earth Geochemistry Workshop, 2003
NASA Cosmochemistry Review Panel, 2004
Co-Chair, EarthScope National Meeting, 2005
Associate Editor Geosphere, 2005-2008
Editor, Earth and Planetary Science Letters, 2005-2011
Clarke Medal Award Committee, Geochemical Society, 2005-2008
NERC Isotope Facilities Review, 2007
Chair, International Program Committee, Goldschmidt 2008
Vice President, President, Past President, Geochemical Society, 2010-2016
Invited Lecturer, CIDER , 2012, 2013
Co-organizer, Geoneutrino geoscience workshop, 2014