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March 3, 2015

Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Application No. 18898
Ingleside Presbyterian Retirement Community – Response by Carnegie
Institution to the Board's Request at the Close of the Public Hearing

Honorable Members of the Board:

This letter is in response to the Board's request for input from the Carnegie Institution of Washington and the Applicant by March 3, 2015 on the status of the proposed agreement between Carnegie and the Applicant. An agreement has been reached, and therefore Carnegie withdraws its objection to the above referenced Application, provided that the Agreement submitted by the Applicant is incorporated as a condition of the Board's Order, enforceable against the Applicant as well as successors, assigns and any other entity that undertakes construction of the project in accordance with the Board's Order.

This Application requests the Board's approval of special exceptions from Sections 218 and 219 to allow construction of a significant addition to Ingleside's facility. Pursuant to Section 3104.1 of the Zoning Regulations, the Board must find and conclude that approval of these special exceptions "will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." Unless carefully controlled in accordance with the Agreement, the Board-approved construction will "adversely affect the use of neighboring property." Therefore, consistent with the actions of this Board on a number of prior occasions involving institutional construction projects in residential neighborhoods, Carnegie respectfully requests that the Agreement be incorporated as a condition of this Board's Order. Both the Applicant and the Advisory Neighborhood Commission have also specifically requested by letters dated March 2, 2015 that the Agreement between the Applicant and Carnegie be incorporated as a condition of the Board's Order.

This Board has recognized on many occasions that the construction activities for institutional projects it approves may have negative impacts on neighboring residential property that can be mitigated by the incorporation of an agreement between an applicant and

Board of Zoning Adjustment
District of Columbia
CASE NO.18898
EXHIBIT NO.46

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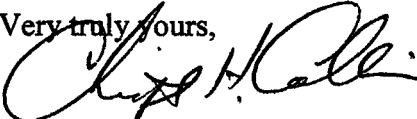
surrounding neighbors, governing construction activities, as a condition to its Order. The Carnegie Institution is unique among the Applicant's abutting neighbors, and the potential for adverse impacts to Carnegie from those activities is significant, as explained at the public hearing and in the Applicant's March 2 submission. The Applicant has provided several examples in its March 2 letter where this Board has conditioned its approval on the incorporation into the Order of an agreement governing construction activities of institutional projects in residential neighborhoods. A simple word search for "construction" on the Office of Zoning website has turned up a number of other similar examples, including:

- Order No. 16561 of The Archdiocese of Washington/The Shrine of the Most Blessed Sacrament, condition nos. 5 through 9.
- Order No. 16324 of St. John's College High School, condition no. 2.
- Modification Order No. 15831 of The Methodist Home for the District of Columbia, condition nos. XI and XIII.

See also Order No. 17276-B of Phillips Park, LLC, condition no. 9; and Order No. 16637 of Alex R. Boyar, "Construction Management" condition. The Zoning Commission also regularly includes construction management plans as conditions to its orders. See, e.g., Order No. 11-07A of The American University; and Order No. 07-27 of EYA, LLC and St. Paul's College, among others.

For these reasons, the Carnegie Institution of Washington respectfully requests that the Board incorporate the Agreement between Carnegie and the Applicant as a condition to the Order.

Thank you for your consideration.

Very truly yours,

Christopher H. Collins

CHC/lb
cc: Allison Prince
Stephen Gyor, Office of Planning
Randy Speck, ANC 3G