Exhibit H

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the Trustees for
Harvard University

BZA Application No. 16555
Public Hearing: November 21, 2000
ANC 2E

BZA
Case No. 16555
Exhibit No. 63

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR Section 3104 and in accordance with Section 210 of the Zoning Regulations, The Trustees for Harvard University (hereinafter "Harvard" or the "University") request approval of a special exception under Section 210 for further processing of an approved Campus Plan for Dumbarton Oaks, for a proposed library addition north of the Gardener's Cottage, for two gardener's court buildings, and for other minor changes to existing buildings in an R-1-B District at premises 1703 32nd Street, N.W. (Square 2155, Lot 812).

No variances are requested in this application. In all respects, the requested special exception relief fully meets the requirements of the Zoning Regulations.

II.
INTRODUCTORY STATEMENT

Background

With Board of Zoning Adjustment Order No. 568, dated July 16, 1941, (Exhibit D)the Board granted permission to Harvard to establish an educational use on the subject property, finding "that the use and study of the Works of Art and the Library now contained on this property will be carried as part of the regular annual curriculum of Harvard University, and that this use is educational and a school within the meaning of the Zoning Regulations." The Board

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found further that the establishment of "this use is not likely to become objectionable in this residential district because of noise, traffic, and number of students ...the granting of this exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and maps."

The Board conditioned its approval on the basis that the applicant shall make no enlargements to existing buildings nor erect any new building except with the approval of the Board upon the filing of a new appeal in the manner prescribed by the Regulations.

Pursuant to this condition, the Trustees for Harvard University applied for and received approval for four enlargements of the buildings at Dumbarton Oaks. The first application, BZA # 4456, dated June 1, 1956, (Exhibit E) allowed a second floor to be added to the existing building for use as a library. The second application, BZA # 6232, dated, March 20, 1961, (Exhibit F) allowed the construction of a one-story museum wing and a one-story basement library wing to the existing building. The third application, BZA # 14584, dated June 12, 1987, ,(Exhibit G) allowed for the construction of an addition to the existing building to provide new museum space within an existing courtyard, along with underground storage and support areas.

The present application was originally filed December 30, 1999. The Board granted the applicant a postponement in order to allow the applicant to further refine its plans for expansion and renovations on the subject property and respond to comments concerning the original plan. On September 14, 2000, the applicant filed the plans now under consideration by the Board. These plans have the support of the Old Georgetown Board, the ANC, as well as other groups and individuals.

III.
JURISDICTION OF THE BOARD

This Board has jurisdiction pursuant to Sections 3104 and 210 of the Zoning Regulations to approve the requested special exception for further processing under the campus plan. Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Board's discretion is limited to determining whether the relevant conditions and special exception criteria have been met. If the applicant meets its burden, the Board must ordinarily grant the application. First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 432 A.2d 965 (1981); Stewart v. District of Columbia Board of Zoning Adjustment, 305 A.2d 516, 518 (1978).

IV.
WITNESSES

The following witnesses are expected to testify in support of the application:

1. Edward Keenan, Mark Haskins, Representatives, Trustees for Harvard University.
2. George Hartman, Lee Becker, Hartman-Cox Architects.

V.
EXHIBITS IN SUPPORT OF APPLICATION

Before proceeding with a description of compliance with the zoning requirements, the following exhibits are submitted:

Exhibit A: Surveyor's Plat of the Subject Property.

Exhibit B: Portions of the Baist Atlas and Sanborn Atlas showing the subject site.

Exhibit C: Portion of the Zoning Map showing the subject site.

Exhibit D: BZA Order No. 568, dated July 16, 1941.

Exhibit E: BZA Order No. 4456, dated June 1, 1956.

Exhibit F: BZA Order No. 6232, dated March 20, 1961.

Exhibit G: BZA Order No. 14584, dated June 12, 1987.

Exhibit H: Reduced size set of architectural drawings and photographs depicting existing conditions and the applicant's proposals for expansion and renovation on the subject property.

Exhibit I: Outline of the testimony of Edward L. Keenan.

Exhibit J: Outline of the testimony of George Hartman or Lee Becker.

VI.
DESCRIPTION OF THE PROPOSED LIBRARY AND OTHER CHANGES

Harvard University's Dumbarton Oaks Research Library and Collection ("Dumbarton Oaks") is housed in a Federal-style mansion on property measuring approximately 708,000 square feet (approximately 16.25 acres) in area and developed with extensive gardens and plantings as well as a variety of structures. Dumbarton Oaks has important resources in Byzantine and medieval studies, the history of landscape architecture, and pre-Columbian studies. No significant expansion is planned for the programs, number of fellows, or library collections. Rather, the intent of Dumbarton Oaks in the subject application is to consolidate into a single library what is currently divided into three collections and spread throughout the overcrowded main building.

As detailed in Sheets *West Property Plan with Proposed Changes, Proposed Plan, Proposed Library East-West Section, Proposed Library Plans, Proposed Plan of Library, Proposed Library East Elevation, Proposed Library North Elevation, Proposed Library West*

Elevation, (3) Proposed Library Model Photographs, (2) Perspective Renderings, Proposed Library North Elevation w/ Existing Buildings, Proposed Library West Elev W/Existing Bldgs., of the architectural drawings for the proposed project (Exhibit H), the applicant proposes to construct the new library building on the site of what currently are three storage sheds located to the north of the main building, immediately north of the gardeners cottage and west of the orangerie and greenhouse. As stated above, the library building will unify Dumbarton Oaks' library holdings. It will also provide much needed office space for students (fellows), directors and staff of the Collection, relocating many of those offices from their current overcrowded locations in the main house. The total proposed footprint area for the library construction is approximately 14,000 square feet and a gross building area of approximately 48,110 square feet (only 21,550 square feet of which will be located above grade). In addition, the applicant proposes to connect the proposed library with the main house by means of a tunnel, as shown on Sheets *West Property Plan with Proposed Changes, Proposed Plan, Proposed Plan with Library Changes* of Exhibit H. As a result of the creation of the new library, a significantly increased amount of space in the main house will be available for exhibits, museum storage, relocated offices, a renovated gift shop, and the renovation of aged mechanical systems.

The second expansion project in the present application involves the creation of a gardeners' court, comprised of two new buildings, in the north-westernmost portion of the subject property, on the current site of a parking area and storage shed. The two buildings will be identical in footprint (each footprint measuring approximately 2,400 square feet) and stand two stories tall, for a total gross building area of approximately 9,600 square feet as shown on sheets *Proposed Plan of Fellows' Building Area, Gardeners' Court Elevations, Plans* of Exhibit H. These new buildings will be utilized as garden staff office and work space and for equipment storage.

Other minor proposed improvements primarily involve the reallocation of individual spaces between residential and office space and renovation of the various buildings. These proposed improvements are indicated on Sheets *West Property Plan with Proposed Changes, Main House First Floor Plan, Main House Second and Third Floor Plans, Main House Basement & Sub-Bsmt. Floor Plans, Director's Former Residence Plans & Sections, Gardeners' Cottage & Fellows' Building Plans* of Exhibit H.

In selecting the site for the new library and gardeners' court, the applicant has made significant efforts to minimize any potential impacts on the historical significance of the landscape of the subject property and upon adjacent property. In this process, the applicant has consulted with leading professional organizations, including the American Society of Landscape Architects, as well as with ANC 2E, the Old Georgetown Board, and numerous individuals.

Importantly, the University plans no significant increase in the number of students (fellows), faculty, or staff as a result of these proposed expansion and renovation projects. Instead, the University is simply proposing to alleviate existing overcrowded conditions and update aged mechanical systems.

VII.
APPLICANT COMPLIES WITH THE REQUIREMENTS OF SECTION 210

In all respects, the further processing application fully complies with Section 210 of the District of Columbia Zoning Regulations. The specific zoning requirements are addressed in detail below.

By way of background, the applicant's intensity of use of the subject property is extremely low. The students (fellows) who study at the site presently number 17 and will increase to no more than 20 by virtue of this application. In addition, there are presently 90 staff

on the site whose main responsibility is the maintenance of the grounds, buildings and museum works of the site. This number of personnel will not significantly increase as a result of this application.

A. Use is Located So That it is Not Likely to Become Objectionable to Neighboring Property (Subsection 210.2)

1. Noise

The proposed expansion projects, namely the library building and the two gardeners court buildings will be devoted to low intensity uses that are not likely to produce any objectionable amount of noise to neighboring property. The proposed expansion projects are not likely to result in any significant increase in the number of students (fellows), faculty, staff, or visitors utilizing the site. Furthermore, the library expansion site is located within the interior of this large property, with more than half of its gross floor area located below grade. The proposed gardeners' court expansion site, while located near the subject property's western border with the Boys Club of Washington, Jelleff Branch, abuts only a playing field on that neighboring nonresidential property. In all respects, the proposed design and use of the buildings will have no objectionable impact on neighboring property due to noise.

2. Traffic

The University plans to add approximately 10 additional spaces as part of the proposed expansion and renovation projects. These additional spaces would adjoin existing parking in the north-westernmost portion of the subject property as part of the gardeners' court construction. As above, the proposed expansion projects are not likely to result in any significant increase in the number of students (fellows), faculty, staff, or visitors utilizing

the site. In all respects, the renovation and expansion projects will have no objectionable impact in terms of traffic.

3. Number of Students or Other Objectionable Conditions

The project will result in no significant increase in number of students (fellows) and no other objectionable conditions. The applicant's current and proposed uses of the subject property are exceedingly low in intensity, essentially representing little more than one student (fellow) per acre on the subject property. Likewise, the physical plant additions herein requested for approval are very modest for a site of this overall size. As detailed below, including the proposed enlargements, the subject property will occupy less than 10 percent of the permitted density allowed in the R-1-B District. Likewise, whereas lot occupancy in this district is permitted to a maximum of 40%, the applicant, including proposed enlargements, will occupy less than 1% of the site.

B. Submission of a Plan for Developing the Campus as a Whole (Subsection 210.4)

Dumbarton Oaks is operating under an existing campus plan that was approved by the BZA in Order No. 14584. The drawings submitted herewith at Exhibit H constitute Dumbarton Oak's Campus Plan for the upcoming 10 years.

C. No Interim Use of Land is Proposed (Subsection 210.5)

No specific interim uses are requested as part of this application nor are there any currently contemplated.

D. No New Use Sought for Approved Site of Building Proposed to be Moved Off-Campus (Subsection 210.6)

Under the existing Zoning Regulations, a Campus Plan amendment is required when a proposed new building, approved under a Campus Plan but not yet built, is relocated outside the Campus Plan boundaries and a new use is proposed for the original approved site. Dumbarton Oaks does not seek approval for any new use of a previously approved building site, and thus complies with this section.

E. Compliance with the Policies of the District Elements of the Comprehensive Plan (Subsection 210.7)

The application herein presented appears to further many policies presented among the provisions of the Comprehensive Plan, especially the Preservation and Historic Features Element and the Ward 2 Plan.

Section 805.1 of the Plan states in relevant part that "every effort should be made to provide for the continued appropriate use of all historic properties ..." That section is followed by §805.2 which states that, "the distinguishing qualities or character of historic landscapes should be protected and enhanced."

Important to the efforts made here by the applicant, §805.8 of the Plan provides further that, "open space traditionally associated with privately owned historic properties, such as yards, gardens, and large estate grounds, should be retained whenever possible. If additional development is permitted, sufficient open space should be retained to protect the essential integrity of the particular historic property and its sense of setting."

Finally, §805.16 provides for compatible new construction for historic buildings within the District.

As part of the Ward 2 Plan of the Comprehensive Plan, §1319 addresses certain Certain objectives in support of preservation and historic features. Likewise, §1320(j), included

among Ward 2's actions in support of its preservation objectives, states, "open space traditionally associated with public and privately owned historic properties, such as yards, gardens, and large estate grounds, shall be retained whenever possible to protect the integrity of the property and its sense of setting."

As demonstrated by the enclosed architectural drawings, the applicant's demonstrated record of coordination with professional and neighborhood organizations, and approvals from ANC 2E and the Old Georgetown Board, the applicant submits that its proposed expansion and renovation projects comply with the relevant provisions of the Comprehensive Plan.

F. Certification: The Proposed Buildings are Within the Floor Area Ratio Limit for the Campus as a Whole (Subsection 210.8)

The computation of the FAR of proposed construction at the Dumbarton Oaks Campus and the FAR of the currently existing structures that will remain after the completion of new constructio0n are included in Sheet West Property Master Plan With Proposed Changes of Exhibit G. The existing total gross floor area of buildings on Lot 812 is approximately 62,646 square feet, for a total existing FAR of 0.09. If the proposed expansion and renovation projects are undertaken, the total gross floor area of buildings on Lot 812 will increase to approximately 90,996 square feet, for a new total FAR on the subject property of 0.13, far below the 1.8 maximum FAR prescribed in the R-5-B District.

G. Referral to the District of Columbia Office of Planning and the District of Columbia Department of Transportation (Subsection 210.9)

The Campus Plan application was referred to the Office of Planning and the Department of Public Works for their review and report. Representatives of the Applicant met with Office of Planning staff on October 24, 2000 to discuss this application. Representatives of the Applicant

also will be contacting the staff of the Department of Public Works to address any questions regarding the application.

VIII.
CONCLUSION

For the reasons set forth above, it is respectfully submitted that the Trustees for Harvard University has established that it is entitled to the requested special exception relief and that the relief may be granted in accordance with the requirements of the Zoning Regulations.

Respectfully submitted,

WILKES ARTIS, CHARTERED

By: _____
Norman M. Glasgow, Jr.

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Dennis R. Hughes

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