GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No 16555 of Trustees For Harvard University/Dumbarton Oaks, pursuant to 11 DCMR 3104.1, for a special exception under Section 210 for further processing of an amendment to the campus plan for a proposed library addition north of the Gardeners' Cottage, for two proposed gardeners' court buildings and for other related minor changes to existing buildings in the R-1-B District and to address ADA access issues in the R-1-B District at premises 1703 32nd Street, N.W. (Square 2155, Lot 812).

HEARING DATE: November 21, 2000

DECISION DATE: November 21, 2000 (bench approval)

SUMMARY ORDER

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR Section 210. No person or entity appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief 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 Zoning Maps. 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 (ten) years, until December 31, 2010.
2. The total number of fellows shall not exceed 25.
3. The total number of parking spaces shall not exceed 60.

ZONING COMMISSION
District of Columbia
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Exhibit 13
ZONING COMMISSION
District of Columbia
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EXHIBIT NO.13

4. The applicant shall establish a method of communicating the construction schedule to the community and shall establish a point of contact for construction related concerns.
5. The applicant shall hold community meetings every 2 (two) months starting 4 (four) months prior to the start of construction.
6. The applicant shall work with the National Park Service to coordinate a storm water management plan.
7. The applicant shall submit to the ANC an off site staging plan.
8. The applicant shall adopt the Cooper Rules – Safety Standards for Construction Vehicles (see attachment).
9. Any further design refinement shall be reviewed through the Commission of Fine Arts, or the Old Georgetown Board.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0-1 (John Parsons, Robert Sockwell, Anne Renshaw, and Sheila Cross Reid to approve, Rodney Molden not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Attested by: _____
Jerrily R. Kress, FAIA
Director

Final Date of Order: DEC 11 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1999), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

Ord 16555 SMP

- The Cooper Rules -
Safety Standards for Construction Vehicles

1. Before a trucking company starts a project, the excavation company must require documentation of:

   - All necessary licenses and permits
   - Any accidents or citations involving trucks or on-duty drivers for the prior year
   - The last required federal inspection
   - Adequate liability insurance
   - Current federal safety report
   - A pledge not to pay speeding tickets for drivers.

2. If any of the above information changes or expires during the project, the trucking firm must update its records.

3. Before work starts, the excavation company shall certify that the trucking company has complied. The certification shall be placed on the truck's windshield, with a list of each driver authorized to drive the truck.

4. Before any driver starts work on a project, the excavation company must inspect the driver's commercial license to make sure it is current and appropriate for the job.

5. The excavation company must identify routes for drivers that minimize the use of streets through residential areas.

6. The excavation company must not require or recommend that drivers take any other routes.

7. If the excavation company uses how long a trip takes to measure a trucker's performance, the standard shall be the "reasonable" time it takes to drive the recommended route.

8. The excavation company must not load any truck with more weight than the maximum allowed in any jurisdiction in which the truck is driven.

Adopted by ANC 2E on October 6, 1999.

BZA APPCLATION L NO. 16555

As Director of the Office of Zoning, I hereby certify and attest that on DEC 11 2000, a copy of foregoing Decision and Order in BZA Appeal No. 16555 was mailed first class, postage prepaid, or via D.C. Government interoffice mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Norman Glasglow, Jr. Esquire
Wilks Artist
1666 K Street N.W. Suite 300
Washington, D.C. 20006

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Councilmember Jack Evens
441 4th Street N.W. Suite 703
Washington, D.C. 20005

Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning