GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

RECEIVED
D C OFFICE OF ZONING
2004 JUL -8 PM 4:49

Memorandum

TO: District of Columbia Zoning Commission

FROM: JLS for
Andrew Altman, Director
Office of Planning

DATE: July 8, 2004

SUBJECT: Zoning Commission Application #04-12, Special Exception
Carnegie Institution of Washington (Square 2288, Lots 813)
5421 Broad Branch Road, N W

APPLICATION

The Carnegie Institution of Washington (Applicant) requests, pursuant to 11 DCMR 3104 and 210 1, special exception approval of an amendment to an approved campus plan and further processing to allow a modification to an existing building in the R-1-A District

OFFICE OF PLANNING RECOMMENDATION

The requested addition to the Experiment Building and secondary improvements on the campus of the Carnegie Institution of Washington will serve to enhance both the academic and social life of its population The improvements are intended to solely serve the current population and there is no request to increase parking on the site The Office of Planning finds that the campus master plan is in conformance with the requirements of Section 210 of the Zoning Regulations and recommends **approval** of the requested special exception with the following conditions

1 Construction shall be in accordance with the plans submitted into the record
2 The maximum floor area ratio (FAR) for the campus shall not exceed 0 89, until such time that further processing comes before the Zoning Commission
3. Excavation and construction shall occur on days and during hours that are required by other codes and regulations of the District
4 The conditions of BZA Order 14831 shall remain in effect to the extent that they are not inconsistent with the instant application

ZONING COMMISSION
District of Columbia

CASE NO. 04-12
EXHIBIT NO. 23

ZONING COMMISSION
District of Columbia
CASE NO.04-12
EXHIBIT NO.23

DESCRIPTION OF THE SITE AND SURROUNDING AREA

The subject property is approximately 8 88 acres and is located at 5214 Broad Branch Road, N W. (Square 2288, Lot 813) in the Chevy Chase neighborhood. The site has an undulating topography and is currently developed with four buildings On the highest portion of the site is the Main (administrative) Building while at lower elevations are three other buildings, the Cyclotron, Accelerator and Experiment Buildings The site is in the R-1-A District (Attachment 1)

The surrounding neighborhood consists of predominantly single-family detached houses and some institutional uses in the R-1A and R-1-B Districts The institutional uses include Temple Sinai Synagogue and school to the north, the Presbyterian Home of the District of Columbia to the northeast and the Embassy of Tunisia Embassy to the east

CAMPUS HISTORY

The Carnegie Institution has existed at this location since the early 1920's and in 1988 a campus plan was approved (BZA Application # 14831) that allowed the construction of the Research Building as well as renovations to the Cyclotron Building with conditions that the campus population not exceed 99 persons consisting of 34 students or fellows, 30 faculty, 15 support staff, and 20 administrative staff; a maximum FAR of 0 88 and 67 parking spaces In 1997, BZA Application 16224 was approved to allow an addition to the Cyclotron Building, limited the maximum FAR to 0 882, and retained the conditions of BZA Order 14831

PROPOSAL

The proposed renovation and increase in the square footage of the Experiment Building will result in a modernized facility that will be more comfortable and usable to students and staff. The proposed improvements are to facilitate the current population on the campus and therefore the school population and the parking will not be increased

The existing Experiment Building, 4,400 square feet, has gone largely underutilized for the past ten years The basement of the building is currently used for storage and a portion of the upper level is used as the carpentry shop. The proposed addition will total 2,550 square feet and will include renovation and modification to the existing building, a 950 square feet addition consisting of a new seminar/exhibit area and bathrooms and a second addition consisting of a 1,600 square feet conference room. The remainder of the building will house a new kitchen, lunchroom, a seismology lab, and the carpentry shop

Concurrent with the renovation/expansion of the Experiment Building will be other changes relating to circulation, lighting, and a new emergency generator On the west side of the building the existing pedestrian walkway will be removed and a new walkway will be provided to the new entrances to the building On the east side of the building will be an open colonnade and courtyard made of brick pavers The existing concrete walkway around the Accelerator Building will also be replaced with brick pavers and new lighting On the southern portion of the property between the Administration Building and the Research Building a new generator is proposed The generator will only be used in emergencies such as when there is a loss in electrical power in times of inclement weather The generator will be

surrounded on three sides by concrete walls and will be located and built to conform to the topography of the site so as to minimize any noise when it is in operation

The requested addition will increase the FAR on the site from 0.882 to 0 89 The R-1-B district allows a FAR of 1 8 and therefore the addition will keep the FAR on the site far below that allowed.

SPECIAL EXCEPTION

The application is in conformance with the criteria contained within §210, COLLEGES AND UNIVERSITIES (R-1), as described below

> *"210.1 **Use as a college or university that is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity, or sorority house proposed to be located on the campus of a college or university, shall be permitted as a special exception in an R-1 District if approved by the Zoning Commission under § 3104, subject to the provisions of this section."***

The Carnegie Institution of Washington is an academic institution that focuses on research and post-doctoral studies in the geophysical and astronomical sciences

> *"210.2 **Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions."***

OP believes that there will be no detrimental impact on neighboring properties because the existing buildings are well setback from the property boundary approximately ninety-five (95) feet. The applicant's submission has stated that the addition will neither result in an increase in the student or faculty population nor will it increase traffic demand for parking

Noise

The buildings and the proposed enlargement are located away from the uses surrounding the property The property is further buffered by the streets, heavy landscaping and trees that aid in reducing the impact the campus has on the surrounding area. The Experiment Building is located closest to Jocelyn Street and there are two single-family dwellings across Jocelyn Street. The proposed application does not propose the expansion of the campus beyond its current boundaries, and therefore, the buildings on the campus will not shift any closer to the surrounding areas than it is now and the proposed changes should not have any greater impact on the surrounding area than it does today In particular, the Experiment Building and the proposed addition is setback approximately ninety-feet from the roadway and are separated by a parking lot on the property

Traffic

The proposed expansion will not translate into an increase in the population on the campus and therefore there will not be an increase in traffic volume on neighboring streets, create objectionable traffic conditions, or have a negative impact the off-street parking supply. Therefore, the Office of Planning concludes that the University will not become objectionable to neighboring properties because of traffic

Number of Students

The proposed change to the campus plan does not include an increase in the number of students over that which was approved in 1988 (BZA 14831) when the campus master plan was approved The Office of Planning concludes that the Institution will not become objectionable because of the number of students

> *"210.3 **In R-1, R-2, R-3, R-4, R-5-A, and R-5-B Districts, the maximum bulk requirements normally applicable in the Districts may be increased for specific buildings or structures; provided, that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-B District. In all other Residence Districts, similar bulk increases may also be permitted; provided that the total bulk of all buildings and structures on the campus shall not exceed the gross floor area prescribed for the R-5-D District. Because of permissive increases as applicable to normal bulk requirements in the low-density districts regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density districts."***

The subject property is in the R-1-B district and permits a maximum floor area ratio (FAR) of 1 8 The existing FAR of the existing buildings is 0 88 and the subject application proposes to increase the FAR to 0 89 Therefore, the campus plan is still well below the FAR guidelines

> *"210.4 **As a prerequisite to requesting a special exception for each college or university use, the applicant shall have submitted to the Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to the following:***
> ***(a) Buildings and parking and loading facilities;***
> ***(b) Screening, signs, streets, and public utility facilities;***
> ***(c) Athletic and other recreational facilities; and***
> ***(d) A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development."***

The applicant's submission includes text and plans that outline and describes the campus master plan with a description of all buildings, parking and other facilities including those to be constructed. The plans also contain a description of activities on campus conducted by the Institution and use of specific buildings, including the proposed floor-area-ratio in comparison to the maximum permitted. The plans depict the location of pedestrian pathways, vehicle roadways, and the location of existing water, electrical, and sediment and erosion control measures and facilities

> *"210.5 **Within a reasonable distance of the college or university campus, and subject to compliance with § 210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function."***

The subject application does not propose any off-campus interim use of land or improved property

"210.6 When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan."

The subject application does not propose to move off-campus any major new building that had been proposed in a campus plan

"210.7 In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan."

OP believes that granting the relief requested will be in harmony with the intent and purpose of Comprehensive Plan Special exceptions are deemed compatible with the zone district and the proposed amendment to the campus plan is minor in nature

"210.8 As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the floor area ratio (FAR) limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved."

Since the campus plan was approved in 1988 at an FAR of 0 88, there was an addition to the Cyclotron Building in 1997 (BZA 16224) that approved an addition of 0 002 FAR to a total of 0 882 FAR on the site The proposed addition will increase the FAR to 0 89 that is substantially below the 1 8 FAR permitted

"210.9 Before taking final action on an application for use as a college or university, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Transportation for review and written reports.

The Office of Planning and the District Department of Transportation (DDOT) reviewed the subject application This report serves as the written report of the Office Planning The written report of DDOT will be submitted under separate cover. However, in conversations with DDOT, OP was informed that the addition would not cause any addition traffic impacts, as there is not an increase in the population on the campus and would not generate additional traffic to the property

COMMUNITY COMMENTS

The application was reviewed by ANC-3/4G on June 14, 2004 at which time they recommended approval of the special exception The ANC also requested that the conditions of BZA Order 14831 remain

The Embassy of Tunisia has submitted a letter opposing the proposed application because they would like to preserve the residential character of the neighborhood It is OP's opinion the Carnegie Institution

has existed in this community for a very long time and has been found to be compatible, along with the other institutional uses in the community, with the surrounding residential community. The proposed expansion is minor and will not result in an increase in population or traffic to the site. Further, the addition will not be visible from the embassy

SUMMARY AND RECOMMENDATION

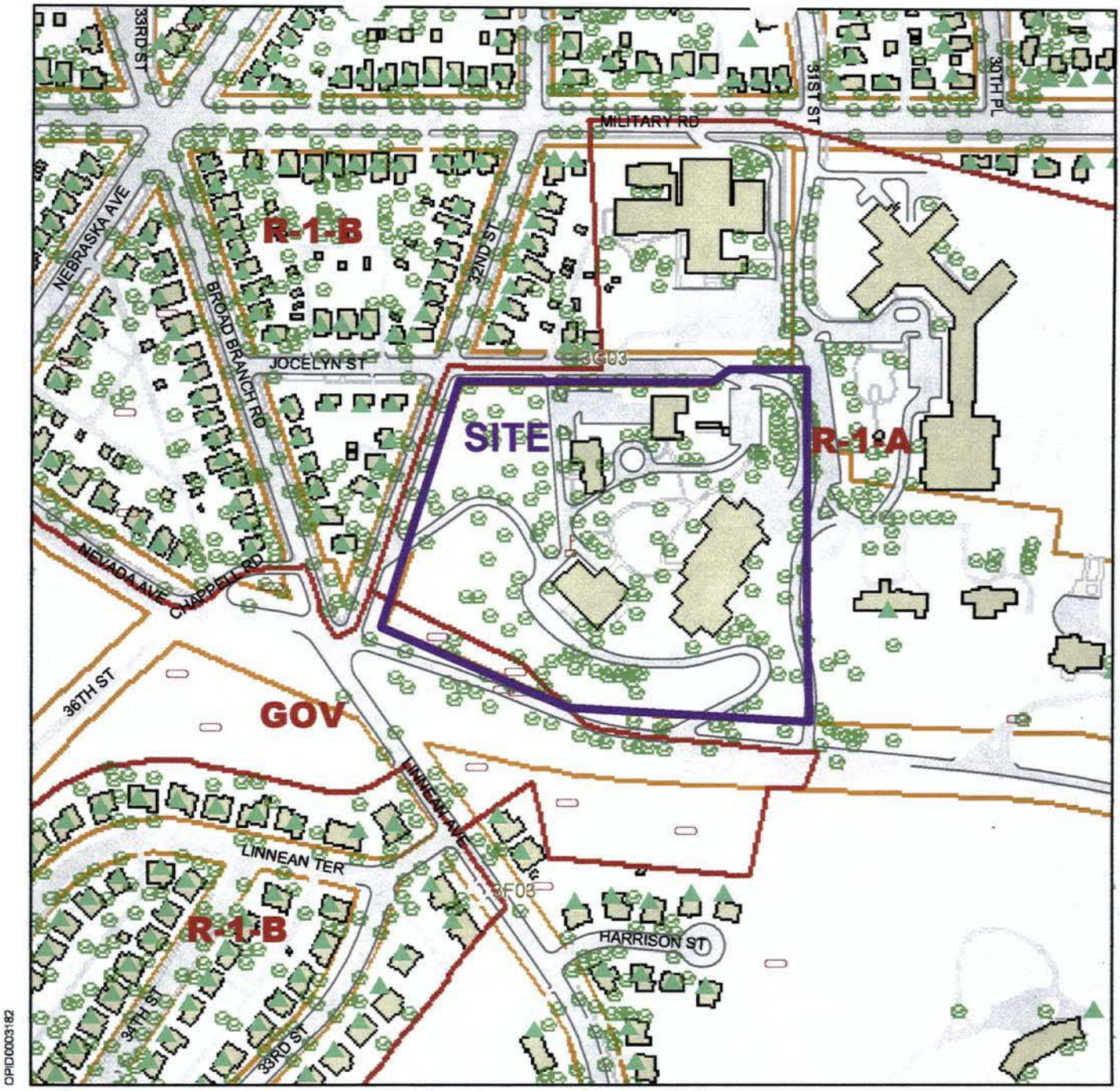
The requested addition and secondary improvements to the Carnegie Institution will serve to enhance both the academic and social life on the campus for its population The enlargement will allow a building that is currently not functioning at its full capacity to become fully functional Since the enlargement is to serve the current population and there is no request to increase the population the parking on the site will remain sufficient The buildings on the campus are located away from surrounding uses and the proposed enlargement of the Experiment Building will not have a negative effect on the surrounding neighborhood The Office of Planning finds that the campus master plan is in conformance with the requirements of Section 210 of the Zoning Regulations. The Office of Planning recommends the proposed campus plan be approved with the following conditions

1 Construction shall be in accordance with the plans submitted into the record.
2 The maximum floor area ratio (FAR) for the campus shall not exceed 0 89, until such time that further processing comes before the Zoning Commission
3 Excavation and construction shall occur on days and during hours that are required by other codes and regulations of the District.
4 The conditions of BZA Order 14831 shall remain in effect to the extent that they are not inconsistent with the instant application

ATTN:

1 Zoning and Land Use Map
2 BZA Order 14831
3. BZA Order 16224

AA/mbr$_{AICP}$



Zoning and Land Use
Carnegie Institution of Washington
5421 Broad Branch Road, N.W.
ZC 04-12

N

Feet

0 200 400

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning – June 22, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Land Use Legend

- Single-Family Detached
- Single-Family Semi-Detached
- Store
- Office
- Bank
- Motor Vehicle Sales and Service
- Light Industrial
- Warehouse
- Educational
- Public Service
- Vacant
- Vacant w/Commercial Improvements



Note: Land Use Info based on OTR records.

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14831, of the Carnegie Institution of Washington, pursuant to 11 DCMR 3108.1, for a special exception under Section 210 for further processing under an existing campus plan for the proposed new construction of a research building and main building addition in an R-1-A District at premises 5241 Broad Branch Road, N.W., (Square 2288, Lot 813).

HEARING DATE: July 21, 1988
DECISION DATE: July 21, 1988 (Bench Decision)

FINDINGS OF FACTS:

1. The subject site is known as 5241 Broad Branch Road, N.W. and is located at the intersection of Broad Branch Road, 32nd Street, and Jocelyn Street, N.W. The site is zoned R-1-A.

2. The site, lot 813, Square 2288 is irregular in shape and contains approximately 8.8 acres of land area. It contains the campus of the Carnegie Institution of Washington.

3. Lot 813 is improved with several structures, including the Main Building, the Experiment Building, the Cyclotron Building, and the Accelerator Building as well as several smaller incidental structures. The site can geographically be divided into two areas. The first area contains the Main Building and is dominated by a knoll which crests at 275 feet above sea level. This knoll slopes downward with gradients of three to seventeen percent towards the southwest corner of the site, which has an elevation of 203 feet above sea level. The second area of the site is to the north of the Main Building and contains the Experiment Building, the Cyclotron Building, the Accelerator Building and a variety of incidental buildings, as well as the parking lot. The highest elevation of this second area is 270 feet with lower elevations of 250 feet sloping westward with average gradients of between three and nine percent.

4. The main entrance to the campus is from 32nd Street, N.W. This drive serves as an entrance for the Main Building and continues on to serve as a site exit via Broad Branch Road, N.W. There are two secondary entrances from Jocelyn Street, N.W. Pedestrian circulation is between the Main, Experiment and Cyclotron Buildings via the service

drives or across the knoll. The vehicular circulation extends from Jocelyn Street, N.W. servicing the Cyclotron, Accelerator and Experiment Buildings. There are approximately thirty on-site parking spaces located along the main and secondary entrance drives and in a small area north of the Main Building.

5. The campus is characterized by a low building density and well maintained landscaped open space. The existing buildings are well-buffered from surrounding streets by their set back from the streets and carefully maintained lawns, specimen trees and ornamental plantings that create a visual impression of an institution sited within a park. This impression is reinforced by the grouping of the buildings around the knoll of the hill higher and well back from Broad Branch Road, and 32nd Street, N.W. The grouping is also well set back from Jocelyn Street, N.W.

6. The area surrounding the subject site is characterized by a residential neighborhood with a mix of institutional uses in the R-1-A, R-1-B and R-2 Districts. Three institutional neighbors surround the immediate borders of the Carnegie Institution in the R-1-A District. These include the residence of the Tunisian Ambassador, the Presbyterian Home of the District of Columbia and Temple Sinai. The residential neighborhood is predominantly single family detached dwellings.

7. The purpose of this application is to further enhance the physical plant of the campus in order to provide research and educational facilities of the highest caliber, and to permit increased interaction among scientists in different disciplines. In order to pursue these developments, the Carnegie Institution seeks special exception approval pursuant to 11 DCMR Section 3108.1 and 210 for further processing under an existing campus plan.

8. The Carnegie Institution of Washington is a non-profit research and educational institution which conducts basic research and training in the natural sciences, such as earth and planetary sciences, astronomy, developmental biology and plant biology. The current campus is the site of the Department of Terrestrial Magnetism, which engages in a wide variety of studies in astrophysics, geophysics, geochemistry and planetary physics. The Geophysical Laboratory, located at 2801 Upton Street, N.W., is another branch of the Carnegie Institution. This branch conducts physical chemical studies of geological problems, with particular emphasis on the processes involved in formation and evolution of the earth's mantle and core. The Carnegie Institution's purpose is to promote the development of interdisciplinary science, with the collection of scientists at the same campus designed to encourage

interaction across several disciplines of the earth and planetary sciences. Therefore this site is used primarily as a research facility and for post-doctoral education.

9. The total existing campus population is ninety persons and consists of thirty faculty, twenty-five students, fifteen technical support staff, fourteen administrative staff, and six building and grounds personnel. It is projected that by 1990 the only increase in the campus population will be the number of students. The number of students is expected to increase by nine resulting in a total student population of thirty-four by 1990. There is no significant anticipated growth beyond 1990.

10. The total floor area ratio (FAR) of the existing buildings is 0.62. The proposed construction would add 0.26 FAR to make a total of 0.88 FAR. The maximum FAR permitted for all buildings on a campus in an R-1-A District is 1.8. Thirty off-street parking spaces exist on the campus. The proposed construction will increase the number of off-street spaces to sixty-seven.

11. The Carnegie Institution proposes to construct a new research building as well as renovate the Cyclotron and Main Buildings on its campus. The proposal seeks to maintain the current landscaping of the campus and builds in their existing composition by locating the new Research Building at the rear of the campus as viewed from the corner of Broad Branch Road, and 32nd Street, N.W. This new construction will be set back from the Main Building, which will thus retain its visual prominence. The new Research Building will consist of approximately 63,000 square feet of gross floor area, and will house twenty-five faculty members, approximately twenty-seven students and fifteen support staff. The environmental impact of the new Research Building will be minimized by locating vehicular access, parking and services in the rear of the building, with the truck loading dock visually screened by its placement at the ground floor or lowest elevation of the building.

12. The Carnegie Institution also proposes to renovate the existing Cyclotron Building to serve as a center for Isotope Geochmistry and Cosmochemistry, and to provide laboratory, office and support areas for five faculty members and approximately seven students. This facility requires ultra-clean laboratories and will be located separately from the other research areas. In addition, the Carnegie Institution proposes to renovate the Main Building to serve as the administrative, library and social center for the campus. An existing shop area immediately adjacent to this building will be renovated to provide a small auditorium seating approximately ninety people. In addition it will house approximately fourteen administrative staff and provide office space for visiting scientists.

13. The proposed new construction and renovation activity will take between two and three years to complete. The initial phase of construction will include the new Research Building and Cyclotron Building. It is anticipated that this phase will take up to eighteen months with a reserve of three months. Most of the heavy dirt hauling activity will occur during this period. Once the new research building is completed work will proceed on the Main Building and the remaining construction activity is estimated to take twelve months.

14. The Office of Planning (OP) by report dated July 13, 1988 recommended that the application be approved. The OP believes that the proposed new development and renovation of existing buildings are designed to maintain compatability with the character of the area, and would be so located that it is not likely to create objectionable conditions in the area. The Board concurs with recommendation of the OP.

15. Advisory Neighborhood Commission (ANC) 3G by report dated July 5, 1988 recommended approval of the application. ANC-3G was satisfied with the long range plans for the site and believes that the new facility would fit well on the site and in the neighborhood. The ANC is of the opinion that the only major problem that it forsees lies in the fact that there will be some disruption to the surrounding neighborhood during the construction period when heavy trucks will be hauling dirt from the excavation of the site and propose the following conditions.

a. Construction traffic should leave the site by way of Jocelyn Street, 32nd Street and Nevada Avenue Avenue out to Nebraska Avenue rather than by way of Jocelyn to Broad Branch and Nevada and then to Nebraska.

b. Construction vehicles should not approach the site down either 32nd Street or Broad Branch, but instead, return to the site the way they left it. (Please note that for may years, it has not been possible to get onto Military from either Broad Branch or 32nd Street south of Military as 32nd and Broad Branch are one-way streets south (down) from Military Road.)

c. No itinerant deliveries be made before 9:00 A.M., in the morning, but this particular mitigation shall not apply to dirt-haul and concrete trucks.

d. Wherever possible, the Carnegie Institution should provide space for construction workers to park on campus, provided environmental damage is not done.

e. In accordance with the recent enactment of the District of Columbia Vehicle Cover Act of 1988, now D.C. Law 7-108, all dirt-haul trucks, regardless of where they are licensed, shall be covered.

f. For dirt-haul trucks leaving the site and the immediate neighborhood, only various road arterials should be utilized; Military Road to the west, Military Road to the east, and Nebraska Avenue to the southwest.

16. The Board agrees with the recommendation of the ANC, except that with respect to the proposed conditions for construction traffic, the Board notes that the Department of Public Works will determine the final truck routing and applicable code requirements for construction activity. However, the Board will note that the applicant has agreed to the recommendations and guidelines of the ANC.

17. Neighbors of the site including the representative of the Embassy of Tunicia appeared at the public hearing in opposition to the application. The opposition raised issues regarding the impact of traffic and parking during the period of construction and the visual impact of the proposed research building.

18. The Board's response to the opposition concern related to construction traffic and parking is the same as stated in Finding of Fact No. 16. The Board finds that the research building is proposed to be located in such a manner that will minimize any impact to adjoining and nearby property. The research building will be set back the maximum possible distance from any property line. Stands of existing trees provide a visual screen for the research building and additional trees will be planted to maintain this visual screen.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Section 3108.1 and Section 508.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

The Board concludes that the proposed increase in development the of the campus is not likely to become objectionable to neighboring properties because of noise,

traffic, number of students or other objectionable conditions. The site is a self-contained campus, separated from its abutting neighbors by public streets and wide expanses of open space. The campus is primarily used as a research facility with a modest population which is not likely to generate any activity that will adversely affect the residential neighborhood. The proposed new construction is planned to be located on the least visible areas of the campus and will include provisions for off-street parking for staff and visitors. The total bulk of all buildings and structures on the campus does not exceed the floor area ratio prescribed for a campus plan in the R-1-A District.

The Board further concludes that approval of the application will be in harmony with the intent and general purpose of the zoning regulations and map and will not tend to impact adversely the use of neighboring property. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that this application is APPROVED SUBJECT to the following CONDITIONS.

1. The campus shall be developed in accordance with the plans marked as Exhibit No. 8 amended by Exhibit No. 21A of the record.

2. The campus shall be used primarily as a research facility and for post-doctorial education. The revised campus plan shall include: a new research building; a renovated Cyclotron Building to serve as a center for Isotope Geochemistry and Cosmochemistry; a renovated Main Building to serve as the administrative library and social center, and; a renovated shop area to provide an auditorium seating approximately ninety persons and to house administrative staff and visiting scientist.

3. The campus population shall not exceed ninety-nine persons.

    a. There shall be no more than thirty-four students or fellows.

    b. There shall be no more than thirty faculty, fifteen technical support staff and twenty administrative staff and other personnel.

4. The maximum floor area ratio (FAR) for the campus shall not exceed 0.88.

5. There shall be a minimum of sixty-seven

off-street parking spaces provided.

6. Existing landscaping shall be maintained in a healthy state. New landscaping shall be provided in accordance with Exhibit No. 21A (Street No. L-1) of the record.

7. The applicant shall make every effort to facilitate an orderly phasing of construction to minimize any impacts on the neighborhood.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to approve; Charles R. Norris not present, not noting).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 28 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

order14831/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16224 of the Carnegie Institute, pursuant to 11 DCMR 3108.1, for a special exception under Section 210 for modification of an approved campus plan and the further processing under the amended plan to allow modifications to an existing cyclotron building in an R-1-A District at premises 5241 Broad Branch Road, N.W. (Square 2288, Lot 813).

HEARING DATE: April 23, 1997
DECISION DATE: April 23, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3G. ANC 3G, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, 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 pursuant to 11 DCMR 210. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that this application is GRANTED subject to the following CONDITIONS:

1. Construction shall be in accordance with the plans submitted into the record.

2. The maximum floor area ratio (FAR) for the campus shall not exceed .882. until such time that further processing comes before the Board.

3. Excavation and construction shall occur on days and during hours that are required by other codes and regulations of the District.

4. The conditions in BZA Order No. 14831 shall remain in effect to the extent that they are not inconsistent with the instant application.

Pursuant to DCMR 3301.1, the Board has determined to waive the requirement to 11 DCMR 3331.3 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 appropriate in this case.

VOTE: 3-0 (Maybelle Taylor Bennett, Susan Morgan Hinton and Sheila Cross Reid to grant; Laura M. Richards and Angel F. Clarens not present, not voting).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: MAY 14 1997

PURSUANT TO D.C. CODE SEC. 1-2431 (1987), 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 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILUE 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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

ORD16224/TWR/amb