EMBASSY OF TUNISIA
1515 MASSACHUSETTS AVENUE, N W
WASHINGTON, D C 20005

Washington, May 27th, 2004

Mr. Jerrily R. Kress, Director
Office of Zoning,
441 4th Street, NW, Suite 210
Washington, DC 20001

RECEIVED
D C OFFICE OF ZONING
2004 JUL 26 PM 12:04

Case No. 04-12 (Carnegie Institution of Washington, Square 2288, Lot 813)

Dear Mr Kress,

The Embassy of Tunisia in Washington, (Residence of the Ambassador) located at 5131 Broad Branch Road, NW, Washington, DC 20008 is deeply attached to preserving the Residential character of this area Accordingly, the Embassy is opposed to any project which aims at altering the Residence's immediate surrounding as referred to in your letter dated May 6, 2004

Sincerely,

Hatem Atallah
The Ambassador

ZONING COMMISSION
District of Columbia
Case 04-12
Exhibit 25

ZONING COMMISSION
District of Columbia
CASE NO.04-12
EXHIBIT NO.25

CARNEGIE INSTITUTION OF WASHINGTON

DEPARTMENT OF TERRESTRIAL MAGNETISM
5241 BROAD BRANCH ROAD, N W
WASHINGTON, D C 20015-1305

TEL. 202/478-8820 http //www ciw edu/DTM/ FAX 202/478-8821

RECEIVED
D C OFFICE OF ZONING
2004 JUL 26 P 12 04

Hatem Atallah
Ambassador
The Embassy of Tunisia
1515 Massachusetts Avenue, N W
Washington, D C 20005

Re. Z C Case No. 04-12
The Carnegie Institution of Washington
5241 Broad Branch Road, N W., Square 2288, Lot 813 (the "Property")

Dear Ambassador Atallah,

We have received from our counsel a copy of your May 27, 2004 letter to the Zoning Commission opposing our above-referenced application based on your concern for maintaining the quality of the neighborhood. Having occupied our property since the early 1920s, we share this concern with you It is our hope that once you understand the nature of the proposed modifications, which are very minor, you will support the application

It has been Carnegie's objective during its eighty (80) years at the Property to maintain the park-like setting of the eight-acre campus, both for the benefit of the students and scientists of Carnegie, as well as for the surrounding community As I am sure you are aware, the Carnegie campus is open for the community to enjoy for walking, jogging, exercising their dogs, sledding in the winter, or simply sitting and taking in the scenery.

With regard to the proposed modifications to the Experiment Building, the proposed new construction is for two (2), one-story additions to the existing Experiment Building totaling 2550 square feet of new construction The first addition will be used for a new seminar/exhibit area with bathrooms and is approximately 950 square feet. The second addition will be for a new one story conference room of 1600 square feet. These minor additions will allow the reuse of a building that has sat largely vacant for many years and provide Carnegie with much needed space and will house a new kitchen and lunch room, a seismology lab on the lower level and the existing carpentry shop (which is currently located in the Experiment Building)

Of high priority in designing the proposed additions was the preservation of the surrounding trees and greenery and preserving the campus's tranquil, park-like setting Much thought and consideration was put into modifying this building so as to create as little disturbance to the environment and surrounding community. The resulting design is that the proposed construction will expand the footprint of the building eastward in the

Case
Exhibit
ZONING COMMISSION
District of Columbia

direction of the other existing buildings on the campus, rather than in the direction of the undeveloped grassy area to the west The few trees and bushes that will be removed during the site preparation for the new foundation will be replaced An open colonnade and courtyard with brick pavers will link the renovated Experiment Building to the historic Van de Graaf Generator tower and provide an attractive setting for outdoor activities

You will be pleased to know that we are not proposing any increases in population at the campus or reduction in parking Thus, there will be no impact on the community by way of increased traffic or noise

For your review and consideration, I am enclosing a copy of the prehearing statement we have filed with the Commission, which further explains the minor nature of these improvements, as well as our work here at the Campus. Additionally, we would welcome the opportunity to have you or your staff visit us to review the plans and so that we can give you a tour of the campus

We look forward to hearing from you and welcome your questions and comments

Very truly yours,

Roy Dingus,
Facility Manager

Enclosure (as stated)
cc Jeannine Rustad, Esq
Carol Mitton, Chairperson, Zoning Commission

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BEFORE THE ZONING COMMISSION

FOR THE DISTRICT OF COLUMBIA

THE CARNEGIE INSTITUTION OF WASHINGTON — APPLICATION NO 04-12
HEARING DATE JULY 15, 2004

PREHEARING STATEMENT OF THE APPLICANT

I.

INTRODUCTION

By this application, The Carnegie Institution of Washington ("Carnegie" or the "Institution") is seeking a special exception pursuant to section 210 of the zoning regulations to amend its campus plan so as to allow minor modifications to an existing building, including small additions to the building, known as the Experimental Building The proposed additions total 2,550 square feet and, along with the renovations to the building, will allow the reuse of this building, which has stood largely vacant for approximately ten (10) years Additionally, Carnegie is seeking to install a concrete pad between the existing main and research buildings for an emergency generator

Other than these minor additions, the use of the campus will remain as previously approved There will be no increase in students, teachers or staff Nor will there be any reduction in parking

The application was brought pursuant to a memorandum dated May 16, 2002 of the Zoning Review Branch of the Department of Consumer and Regulatory Affairs, referring this matter for review pursuant to section 3035 of the zoning regulations for further processing under the campus plan to allow an addition to an existing structure is required and sought by the instant application

ZONING COMMISSION
District of Columbia
Case
Exhibit

II.

JURISDICTION OF THE ZONING COMMISSION

Pursuant to 11 D C M R §§ 3104 4 and 3035 1, the Zoning Commission has jurisdiction to grant the requested relief

III.

BACKGROUND INFORMATION

A. The Institution.

1 The Scientific Organization [1]

The Carnegie Institution of Washington, headquartered in Washington, D C , was founded in 1902 by Andrew Carnegie as an organization for scientific discovery. The Institution has six (6) departments around the country devoted to research in plant biology, developmental biology, earth and planetary sciences, astronomy, and global ecology It was Andrew Carnegie's intention for the institution to be home to the exceptional person—an individual with imagination and dedication who worked at the cutting edge of a scientific specialty Some of the institution's exceptional individuals include Nobel laureate geneticists, Barbara McClintock and Alfred Hershey, and astronomer Edwin Hubble, for whom the Hubble Space Telescope is named

The subject property (the "Property") is home to the Geophysical Laboratory ("GL") and the Department of Terrestrial Magnetism ("DTM") of the Institution The GL was founded in

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[1] The following is adapted from the Institution's web site, http //www carnegieinstitution org/about html

1905 to examine the physics and chemistry of Earth's deep interior The laboratory is a world-renowned center for petrology—the study of rocks It is also a world leader in high-pressure and high-temperature physics making significant contributions to both Earth and material sciences It was at the Institution's Property that scientists recently produced a gem-sized diamond that is harder than any other crystals *See Exhibit 5* The GL, along with the DTM, is a member of NASA's Astrobiology Institute—an interdisciplinary effort to investigate how life evolved on this planet and determine its potential for existing elsewhere Among their many projects is one dedicated to examining how common rocks found at high-pressure, high-temperature hydrothermal vents at the ocean bottom may have provided the catalyst for life on this planet

The DTM was founded in 1904 to map the geomagnetic field of the Earth Over the years the research direction has shifted, but the historic goal—to understand the Earth and its place in the universe—has remained the same Today, the department is home to an interdisciplinary team of astronomers and astrophysicists, geophysicists and geochemists, cosmochemists and planetary scientists These Carnegie researchers are discovering planets outside our solar system, determining the age and structure of the universe, and studying the causes of earthquakes and volcanoes With colleagues from the GL, these investigators are also helping to define the new and exciting field of astrobiology

Scientists at Carnegie are free to investigate their specific areas of interest under the broad goals of an individual department Researchers are given the support and equipment they need in a nurturing environment This arrangement has produced unexpected benefits to society, among them hybrid corn, the proximity fuze, and new techniques for detecting seismic activity

2 The Good Neighbor

Carnegie scientists recognize their responsibility to explain their work to the public and to educate the next generation The institution hosts a public lecture series at the Property, featuring scientists on the cutting edge of discovery

On a local level, District elementary school children attend Carnegie's First Light Saturday science school, where they participate in hands-on lessons in science, mathematics, and technology Public school teachers in the District attend the Carnegie Academy for Science Education (CASE), which focuses on the art of teaching these subjects

Since 1990, volunteers from DTM and the GL have been preparing a hot breakfast for the homeless the first Wednesday of every month The meal is served at SOME (So Others Might Eat) -- a comprehensive social service organization that helps the poor and destitute of Washington with food, clothing, medical care, rehabilitation, housing, and job training

Finally, the Institution came to the aid of its ANC in the past, providing meeting space for the ANC during the Presbyterian Home's expansion

B. The Campus and the Surrounding Neighborhood.

1 The Campus

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 irregular in shape and contains approximately 8 8 acres of land area. The site has five primary buildings a Research Building, Main Abelson (administrative) Building, Cyclotron Building, the Accelerator Building and the Experiment Building The campus also contains several incidental buildings

The site can geographically be divided into two areas The first area contains the Main Building and is dominated by a knoll that 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 the Research Building , as well as three parking lots The highest elevation of this second area is 270 feet with lower elevations of 250 feet sloping westward with average gradients of between three to nine percent (3-9%)

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 (2) secondary entrances from Jocelyn Street, N W. Pedestrian circulation is between the Main, Experiment, Research 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 67 on site parking spaces located in four (4) small parking areas

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 the Broad Branch Road, and 32nd Street, N W The grouping is also well set back from Jocelyn Street, N W

In 1989, the campus suffered damage from a storm, resulting in the loss of many old growth trees Since then, the Institution has planted thirty-five (35) new trees

Students, staff and scientists of Carnegie, as well as neighbors of the Institution, enjoy the park-like setting of the campus Carnegie's scientists use the grassy areas to the west of the Experiment Building during work breaks Neighbors from the surrounding community routinely walk their dogs or jog along the north and west sides of the campus In the winter, the campus is known for having the best sledding hill in the neighborhood

2 The Surrounding Neighborhood

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 zone districts Three (3) institutional neighbors surround the immediate borders of the subject site in the R-1-A zone 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.

C. The Proposed Modifications.

1 History of Improvements to the Property

During its occupancy of the Property since the early 1920s, Carnegie has made few changes Indeed, Carnegie has strove to maintain the park-like setting of its campus The Experiment Building, the building subject to this application, was completed in the mid-1920s From the 1920s to the 1930s, a number of state-of-the-art particle accelerators were constructed in the Experiment Building, making the campus a world-class center for the study of nuclear physics A 5-million volt Van de Graaf Generator was installed in the Accelerator Building in 1938 This Generator is a striking observatory-like structure located next to the Experiment Building and occupies a place of prominence on campus It has been said that the Generator can be seen from planes flying into National Airport

In 1988, a special exception, pursuant to § 210 of the zoning regulations, was granted to the Institution, in BZA Application No 14831, to allow the construction of a new research building, as well as renovations to the existing Cyclotron Building This new construction resulted in an increase in the floor area ratio from 62 to 882, for the entire campus In 1997, in BZA Application No 16224, a special exception, pursuant to § 210 of the zoning regulations, was granted to allow modifications to the existing Cyclotron Building and Main Building. In the Order issued in Application No 16224, the Board provided that the conditions in BZA Order No 14831 were to remain in effect

2 The Proposed Modifications

a The Experiment Building

The Experiment Building, which has a gross floor area of 4,400 square feet, is currently used for the following purposes the lower level or basement is currently used for storage and approximately forty percent (40%) of the upper level is used for Carnegie's carpentry shop. The remaining sixty percent (60%) of the building is vacant and has been for approximately ten (10) years

The proposed work to the Experiment Building includes the demolition and removal of a one-story structure and of a "balloon frame" and basement The proposed new construction is for two (2), one-story additions to the existing Experiment Building totaling 2550 square feet of new construction The first addition will be used for a new seminar/exhibit area with bathrooms and is approximately 950 square feet The second addition will be for a new one story conference room of 1600 square feet The existing Experiment Building will house a new kitchen and lunch room, a seismology lab on the lower level and the existing carpentry shop

The project will also include modifications to the remaining 1300 square feet of the existing structure.

Although the additions total only 2,550 square feet of new construction, the renovations will result in an additional 4,700 square feet of new space The result will be the transformation of an under-utilized storage facility and carpentry shop into an attractive center for education and scientific and social interaction This Arts and Crafts style building will be preserved and enhanced, creating an aesthetically pleasing building that will be consistent with the pre-World War II architecture of the surrounding neighborhood

Of high priority in designing the proposed additions was the preservation of the surrounding trees and greenery and preserving the campus's tranquil, park-like setting[2] The proposed construction will expand the footprint of the building eastward in the direction of the other existing buildings on the campus, rather than in the direction of the undeveloped grassy area to the west. The few trees and bushes that will be removed during the site preparation for the new foundation will be replaced An open colonnade and courtyard with brick pavers will link the renovated Experiment Building to the historic Van de Graaf Generator tower and provide an attractive setting for outdoor activities

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[2] Preserving the idyllic state of the campus has always been of priority to Carnegie. For example, in the late 1980s, there was some concern that experiments conducted with radioactive materials during the middle decades of the twentieth century might have left behind trace residues An extensive survey of the campus seeking the possible presence of radioactivity was performed prior to the construction of the research building in 1990 The findings were conclusive that there was no radioactivity on the campus

Important features of the renovation include

- **A state-of-the-art auditorium:** A 1,600 square foot auditorium will provide much needed space for scientific seminars, lectures and other gatherings, which occur several times a week at the campus as part of the on-going educational program The current seminar room is in the basement of the Abelson Building Seating only about 80, the current seminar room is inadequate for the Institution's needs The new theater, with sloped flooring and upgraded projection facilities, will seat 120

  The year-round seminar program is central to the research program at the campus While other Carnegie departments (*e.g.* embryology, plant biology and global ecology) are located on university campuses, allowing for mutually beneficial interactions among faculty, the campus scientists enjoy no formal university affiliation Thus, communication with other researchers is dependent upon an active lecture program, which, in turn, requires state-of-the-art facilities

  The auditorium will also benefit the surrounding community, as it will be used for public lectures to inform members of the community about current research at the campus, including topics such as how planetary systems arose from primordial matter, how matter behaves in extreme conditions, and how life might have arisen on this planet Carnegie scientists organized a successful public lecture series in 2001 and 2002, *The Centennial Neighborhood Lecture Series*, and the plan is to resume these public lectures once the new auditorium is completed

- **Kitchen and Dining Area:** The plans call for the installation of a large modern kitchen and eating area in the Experiment Building This new facility will be

used to feed Carnegie scientists and colleagues from other institutions that come together for numerous periodic gatherings, including conferences

The dining facility will also be used on a daily basis by members of the "Lunch Club," a group of scientists who take turns preparing lunch for one another throughout the year, a tradition which originated in 1948 *See Exhibit 6* The informal discussions over these lunches have been a vital part of the Carnegie scientific tradition

- **Conference Rooms and Galleries:** The expanded building will also contain much needed conference room space for break-out sessions and seminars Currently, when relatively large groups of scientists gather in the cramped basement of the Abelson Building to participate in seminars and conferences, there are no nearby conference rooms for break-out sessions The Abelson Building also lacks space for displays of scientific posters that are now widely used by scientists to disseminate their latest research results during scientific conferences The renovated and expanded Experiment Building will include gallery space that will make it possible to display such posters, plus historical objects from and informative displays about the Institution's illustrious past

b The Generator Pad

Given the large amount of specialized equipment and number of computers utilized at the campus, it is imperative that this equipment have a steady source of emergency power Consequently, Carnegie is proposing to construct an generator pad between the existing Abelson and Research buildings This location is well buffered from the residential neighborhood

Moreover, the generator will only be used during power outages and, because of the walls around the generator pad, the noise will be reflected upward, rather than outward

3 The Additions Are Minor

The existing density of the campus will be increased by a mere 2,550 square feet, resulting in a new density of 40,477 square feet The existing lot area is 377,852 68 square feet, for a total lot occupancy of about (11%), well below the allowable forty percent (40%)(or 151,141 07 square feet) The proposed addition will increase the total floor area ratio ("FAR") for the site to 89, well below the maximum allowed of 1 8 FAR

There will be no increase in the number of students or staff, nor any reduction in parking.

IV.

SPECIAL EXCEPTION CONSIDERATIONS

A. Criteria for Special Exceptions.

The criteria for a special exception, 11 D C M R § 3104 1 permits the Board to grant special exceptions, pursuant to the following

> Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgment of the Board, those special exceptions 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, subject in each case to the special conditions specified in this title

Effective December 8, 2000, jurisdiction over campus development plans, including amendments to campus development plans, was transferred to the Zoning Commission (the "Commission") Thus, the Commission is empowered to grant a special exception where it finds

(1) The proposed use is in harmony with the Zone Plan and Zone Maps, and

(2) The proposed use is not likely to adversely affect the use of neighboring property

The Commission's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with requirements of the section If the applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v District of Columbia Board of Zoning Adjustment*, 432 A 2d 695, 698 (D C 1981), *Stewart v District of Columbia Board of Zoning Adjustment*, 305 A 2d 516, 518 (D C 1973)

1. Criteria Pursuant to Section 210 – The Proposed Modifications will not Result in Any Adverse Impact on the Use of Neighboring Property

In reviewing the criteria under section 210, it is important to keep in mind that the Board found that the Applicant satisfied the criteria in BZA Application Nos 14831 and 16224 Since then, Carnegie has operated, without change and without incident, at the Property Not only are the proposed additions minor, but there is no proposed change in use of the Property That is, there will be no change in the number of students or staffing nor any reduction in parking.

Under § 210 of the zoning regulations, the Zoning Commission may approve a special exception for a campus plan, provided that the Applicant meets the conditions specified in § 3104 of chapter 31 of the zoning regulations, and provided that

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.

Carnegie has operated at the Property since the early 1920s In this time, the park-like setting of the property has remained intact Given the large campus and small number of buildings, there has been no disruption to the surrounding neighborhood. 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 does not generate any activity that adversely affects the surrounding residential neighborhood.

The proposed additions are not to be accompanied by any increased population at the Property or reduction in parking The new generator will only operate during power outages and, given the walls around the generator, any noise will be directed upwards, rather than outwards Moreover, the generator pad has been appropriately placed so as to be set back from the residential neighbors

Given these factors, the proposed changes will not be objectionable to neighboring properties due to noise, traffic, number of students or other conditions

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 gross floor area of the campus, with the addition (which total only 2,550 square feet), is a mere 40,477, with a corresponding lot occupancy of just about ten percent (11%) and FAR of 89 (up from 882) The allowable lot occupancy of forty percent (40%) would permit 151,141 07 square feet of improvements or almost four (4) times that existing and proposed The allowable FAR is 1 8

Because the improvements to the campus fall well below the maximum bulk requirements for the underlying zone district, the increase available through this subsection is not needed

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.

A complete set of plans and surveys required pursuant to this submission was submitted with this application and, for the convenience of the Commission, are attached to this Statement as *Exhibits 2-4* The descriptions of the activities conducted on the campus and proposed for the renovated Experiment Building are contained in this Statement.

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.

This section is inapplicable, as all functions of Carnegie are contained on the campus

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.

This section is inapplicable, as no new major building is proposed or proposed to be moved off campus

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.

The Property is located in Ward 3 Major themes of Ward 3 include maintaining the stability of the residential neighborhoods, maintaining the low-density, high-quality character of

the ward, and preserving and promoting cultural and natural amenities 10 D C M R §§ 1400 2 With regard to institutional uses within the ward, there is to be a balancing between promoting such uses while at the same time limiting their potential *Id.*, *see also* 10 D C M R § 1409 2(f)

As noted herein, since it occupation of the Property in the early 1920s, Carnegie has stove to maintain the park-like setting of the campus. Indeed, even with the proposed modifications, Carnegie has designed them so as to have as little impact on the surrounding community as possible Given the small nature of the modifications and the fact that there will be no corresponding increase in population at the Property, the proposed modifications are consistent with the Comprehensive Plan for Ward 3 Specifically, with regard to the land use objectives for Ward 3, the proposed modifications

- Maintain the existing land use character of the ward (10 D C M R § 1409 2(a)), as there is no increase in use or change in a non-conforming use,
- Protects the surrounding residential neighborhood (10 D C M R § 1409 2(b)) by maintaining the park-like setting of the campus,
- Maintain the physical condition of the community through the provision of open space (10 D C M R § 1409 2(c)),
- Do not create conflicts between land use and transportation facilities and functions. *See* 10 D C M R § 1409 2(d) Given its low-density and low-intensity use of the eight-acre campus, Carnegie does not put a high demand on the local infrastructure,
- Ensure that development of institutional holdings has no adverse effects on surrounding areas and is consistent with the Comprehensive Plan. 10 D.C M.R. § 1409 2(h),
- Ensure that land use does not exceed the capacity of the ward's infrastructure. 10 D C M R § 1409 2(l)

210.8 As an integral past 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 demol:ished since the campus plan was approved.

This information and certification was contained in the Statement of Reasons submitted in support of the Application

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.

Upon information and belief, the Office of Zoning has so submitted the application Carnegie has met with the Office of Planning on two (2) occasions, including a site visit of the Campus with the Office of Planning

2. The Proposed Modifications are in Harmony with the Zone Plan and Zone Maps

As illustrated above, the proposed new construction is in harmony with the intent and general purpose of the zoning regulations and map and will not tend to impact adversely the use of the neighboring properties

V.

WITNESSES

1 Roy Dingus, Facility Manager, Carnegie Institution

2 Lynne Iadarola, Architect, Archeus Studio

V.

EXHIBITS

1 April 23, 2004 referral of the Acting Zoning Administrator

2 Plat

3 Site Plans

4 Experiment Building Modification Plans

5 New Article – Large Diamonds Made from Gas are the Hardest Yet, February 25, 2004

6 Joan Nathan, The Washington Post, *The First Law is No Complaints About the Food* (October 14, 1984)

7 Order, Application No 14831 of the Carnegie Institution of Washington (July 21, 1988)

8 Order, Application No 16224 of the Carnegie Institution of Washington (April 23, 1997)

CONCLUSION

For the reasons stated herein and for the reasons provided at the hearing, The Carnegie Institution of Washington respectfully requests that the Board grant the relief sought Given the lack of adverse impact on the surrounding area, the support of ANC 3/4G, Carnegie requests a bench decision and summary order, if the Board feels such a decision is justified

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI, LLP

By _____
Richard B Nettler
Jeannine Rustad Zigner

D C OFFICE OF ZONING
RECEIVED
2004 JUL 26 P 12 05

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, July 15, 2004, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-12 (Carnegie Institution of Washington, Square 2288, Lot 813)

THIS CASE IS OF INTEREST TO ANC 3G

Application of the Carnegie Institution of Washington, pursuant to 11 DCMR §§ 3104 and 210.1, for special exception approval of an amendment to an approved campus plan and further processing in order to allow modifications to an existing building (the Experiment Building) in the R-1-A District at premises 5421 Broad Branch Road, N W (Square 2288, Lot 813)

PLEASE NOTE:

- Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission

- Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Commission, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal, or denial

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Commission Individuals and organizations wishing party status in any case before the Commission must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106 2. All requests and comments should be submitted to the Commission through Jerrily R. Kress, Director,

Office of Zoning, 441 4"' Street, NW, Suite 210, Washington, D C 20001 Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-63 11

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEGRAND, AND GREGORY N. JEFFRIES ———— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.