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January 27, 2005

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D.C. OFFICE OF ZONING
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Hand Delivery

Zoning Commission of the District of Columbia
441 4th Street, NW
Suite 210S
Washington, DC 20001
Attention: Sharon Schellin

Re: Zoning Commission Case No. 04-32
Application of Trustees for Harvard University
Center for Hellenic Studies

Dear Members of the Commission:

Enclosed please find original and 20 copies of Applicant's Supplemental Statement in support of its campus plan application.

Please call if you have any questions.

Sincerely,

Dennis R. Hughes

Enclosures

cc: Charles Eason, Jr. ANC 2E
Bonnie Hardy, ANC 2E
David Mettigan, Office of Planning
Department of Transportation

ZONING COMMISSION
District of Columbia
CASE NO. 04-32
EXHIBIT NO. 16

BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA

Application of Trustees for Harvard University
Center for Hellenic Studies

Zoning Commission Case No. 04-32
Public Hearing: February 10, 2005
ANC 2E

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

Pursuant to Section 3104 of the Zoning Regulations (11 DCMR) and in accordance with Section 210, the Trustees for Harvard University (hereinafter the "Trustees") request special exception review and approval of the Campus Plan, 2004-2014 (the "Campus Plan"), for the Center for Hellenic Studies (the "Center"), with premises address of 3100 Whitehaven Street, NW, and which is bounded generally by Whitehaven Street, NW, to the north; the Chancery of the Republic of Italy to the east; the Embassy/Chancery of the Kingdom of Denmark to the west; and Dumbarton Oaks Park to the south and west (Square 2155, Lot 802)(the "Campus").

The Campus is located in the D/R-1-A District, in which university use requires special exception review by the Zoning Commission.

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II.
INTRODUCTORY STATEMENT

A. Background

The Center serves as one of the premier centers of scholarship in the field of ancient Greek and Mediterranean civilizations, emphasizing the humanistic tradition. It accomplishes its mission through its extensive library holdings, by hosting colloquia and research fellows in the field, and by pioneering digital teaching technologies. The Center consists of a relatively small six-acre campus tucked into the hillside to the north of Dumbarton Oaks Park. The Campus is accessed from Whitehaven Street, NW, a short dead-end street running northwest from Massachusetts Avenue, NW.

The Campus was first approved for university use by the Board of Zoning Adjustment ("BZA") in 1961 (BZA Appeal No. 6430), and the BZA has since approved a number of applications in support of certain small-scale improvements and additions to the Campus (BZA Applications No. 14659, 15780, and 16213). In its most recent approval, in 1997 (Application No. 16213), the BZA required the Trustees to prepare and submit a campus plan within the earlier of three years or prior to seeking further processing. Plans were submitted to the Zoning Office in 2000, however, through a misunderstanding, no additional documentation or processing was completed.

In July 2004, the Zoning Administrator for the District of Columbia approved plans for the expansion of House A (which is being converted from its use as a caretaker's cottage to a videoconferencing center) contingent upon the Trustees filing a campus plan by October 31, 2004. Through the Campus Plan submitted as part of the Application filed on October 29, 2004, the Trustees have provided updated site and planning documents, along with an overview of the Trustees' intentions for the Campus over the course of the next decade, including certain small-scale conversions of use and building addition projects.

B. Summary of Proposed Campus Plan

The Campus Plan sets forth in detail the Trustees' desired plans for the Center for the next ten years. In summary, over the course of the next decade, the Trustees desire to undertake only a few renovation and new construction projects, totaling a net increase of approximately 10,495 square feet of new space for the Campus. These projects are detailed in the Campus Plan at Section 3.8 and include: (1) the renovation and construction of and ADA-compliant addition to House A; (2) enclosure of the central courtyard of the Administration Building for gathering and exhibition space; (3) expansion of the library; and (4) construction of a storage shed. The realization of these plans will require the securing of adequate funding for each project and further review by the Zoning Commission.

C. Community Meeting Process and Dialogue

The Campus is located within the jurisdiction of Advisory Neighborhood Commission ("ANC") 2E and within the boundaries of single member district 2E07. The Campus is also adjacent to ANC 3C. On January 19, representatives of the Center hosted an informational tour for ANC representatives of SMD 2E07 and 3C08. Representatives of the Center are also scheduled to present the Application to ANC 2E at its February 1 meeting.

III.
JURISDICTION OF THE COMMISSION

The Zoning Commission has jurisdiction pursuant to Sections 210 and 3104 of the Zoning Regulations to approve as a special exception a campus plan for a university located in a residential district. Jurisdiction over the review and approval of campus plans was transferred to

the Zoning Commission from the BZA by Commission rulemaking in Order No. 932 (Zoning Commission Case No. 99-09), dated December 8, 2000.

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 Commission's discretion is limited to determining whether the relevant conditions and special exception criteria have been met. If an applicant meets its burden, the Commission 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).

The District of Columbia Court of Appeals has also affirmed the Commission's jurisdiction and scope of review in campus plan cases and has made clear that in reaching its decision the Commission may take into consideration such factors as institutional necessity. Draude v. District of Columbia Board of Zoning Adjustment, 582 A.2d 949, 955 (1990). Further, the court has distinguished the broader public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

IV.
WITNESSES

The following witnesses are planned to testify in support of the Application:

1. Douglas Frame, Associate Director, Center for Hellenic Studies
2. Representative, Richard Williams Architects.
3. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

V.
THE CENTER COMPLIES WITH THE REQUIREMENTS OF SECTION 210

A. The Center Qualifies as an Academic Institution of Higher Learning (Subsection 210.1)

The Center has been located at its current location since 1963, and the BZA has found on a number of occasions in the intervening four decades that the campus use is in harmony with the purpose and intent of the Regulations. The BZA found in prior approvals, including most recently in 1997, that the Center qualifies as a University as defined in the Zoning Regulations.

B. The Use is Located So That it is Not Likely to Become Objectionable to Neighboring Property Because Of Noise, Traffic, Number Of Students, Or Other Objectionable Conditions (Subsection 210.2)

The location and program of the Campus is such as to not be likely to become objectionable to adjoining or nearby property owners. The Trustees are not aware of any neighbor or community opposition to the continued Campus use. The Center enjoys good relations with its residential neighbors along Whitehaven Street.

1. Noise

The Campus Plan is designed so as not to create objectionable conditions because of noise. With the exception of the renovation of House A near the vehicular entrance to the Campus, the comparatively small scale renovation and construction proposed as part of the Campus Plan is located deep within the Campus and distant from neighboring private property owners. Further, the Center is largely removed from the public sphere by virtue of its location between two large foreign missions and Dumbarton Oaks Park.

2. Traffic and Parking

The Campus is accessible to vehicles only from Whitehaven Street, NW. Given the very small population of the Center and low intensity use of the Campus, the Trustees are unaware of any concerns regarding vehicular traffic accessing the Campus. Adequate parking is provided

throughout the Campus to accommodate the administration, staff and researchers at the Center, as well as periodic visitors. Approximately 38 dedicated parking spaces are provided for the Campus, as identified in Figure 4 of the Campus Plan.

3. Number of Students

Only approximately 10-12 fellows reside at the Center during a typical academic year. Furthermore, by virtue of the Center's unique mission, these fellows are generally mid-career professors of classical studies, who reside at the Center during the academic year conducting research and traveling in support of their research and teaching.

In addition to the residential fellows, the Center also hosts local researchers and scholars on a very limited, pre-arranged basis, for research in its library. Short-term out of town lecturers, researchers and academics are also occasionally welcomed to the Center and reside in dedicated quarters within the Campus.

4. Other Objectionable Conditions

The Trustees are aware of no other objectionable conditions associated with the Campus Plan. The Trustees have planned carefully for the Center's needs consistent with the needs of the surrounding community. Over its more than 40-year history in the same location, the Center has proven to be a good neighbor in the community.

C. The Campus Is Located Within The D/R-1-A District And All Development Under The Proposed Campus Plan, When Added To All Existing Buildings And Structures On the Campus, Does Not Exceed The Gross Floor Area Prescribed For the R-5-B District. There Is No Unreasonable Campus Expansion Into Improved Low-Density Districts (Subsection 210.3).

For colleges and universities located in residential districts, the maximum bulk

requirements normally applicable in those 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, which is 1.8 FAR.

The Campus represents an exceptionally low density and intensity of use of the site. The existing building density on the six-acre site is approximately only 0.16 FAR. Over the ten year life of the Campus Plan, if all the few renovations and new construction proposed in the Campus Plan are completed, the Campus' total building density would increase by only 0.04 FAR, to a total of 0.20 FAR. Both existing and projected measurements are far below the 1.8 FAR permitted by Subsection 210.3 of the Zoning Regulations. Furthermore, each such new construction project identified in the Campus Plan will need to be reviewed individually by the Zoning Commission.

D. Submission Of A Plan For Developing The Campus As A Whole (Subsection 210.4)

The University filed its Campus Plan with the Commission as part of its Application package on October 29, 2004. This document provides the Trustees' plan for development of the Campus as a whole for the upcoming decade, and shows the location, height and bulk of all existing and proposed improvements, including but not limited to the following:

1. Buildings and parking and loading facilities (See Campus Plan, Sections 3.3, 3.5, 3.7, and 3.8; Appendix A-1; Figures 1, 2, 4, and 6);
2. Screening, signs, streets and public utility facilities (See Campus Plan, Sections 3.4, 3.5, 3.6, and 3.7; Figures 4 and 5);
3. Athletic and other recreational facilities (See Campus Plan, Sections 3.2, 3.3, and 3.4; Figures 1, 2, 3, and 6);

4. A description of all activities conducted or to be conducted on the Campus, and of the capacity of all present and proposed campus development (See Campus Plan, Sections 1.3, 1.4, 1.5, 3.8, and generally; Figures 1, 2, and 6).

The Campus Plan is designed to guide the Center in its construction and renovation projects over the course of the next ten years. As detailed in the Campus Plan, the Trustees anticipate only very limited expansion during this period, as set forth in the Campus Plan and herein at Section II.

Also, attached hereto at Exhibit A are certain substitute pages to the Campus Plan, each reflecting a very small increase in the footprint of House A. Since the filing of the Application in October, 2004, the renovation plans for House A have been revised slightly, resulting in a net increase of approximately 60 feet from the original plans for the addition, which will accommodate ADA requirements.

E. 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.

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

Under the 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. The Trustees do not seek approval for any new use of a previously approved building site. The Application thus complies with this subsection.

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

The Campus Plan is consistent with the District's policies in support of the public and institutional uses objectives of the Land Use Element of the Comprehensive Plan. Specifically, these policies support recognition of the specialized land needs and unique economic and human development opportunities presented by colleges, universities, and other institutional users of large tracts. The policies also support the process of requiring the development of detailed master plans for such specialized land uses, which plans are to incorporate all land and facilities currently in use or anticipated for future use (10 DCMR §1115.1(j)).

The Campus is located within Ward 2. The Comprehensive Plan's Ward 2 Element includes among its objectives for economic development the utilization of the potential of the District's universities, especially in Ward 2, as well as existing and future museums, galleries, theaters and other cultural facilities, to create an expanded center of knowledge and learning in the center of Washington (10 DCMR §1301.1(f)).

The Center likewise supports the overall urban design goal as espoused in the Ward 2 Element, namely, promoting the protection, enhancement and enjoyment of the natural environs and providing visual orientation, enhancing the District's aesthetic qualities, emphasizing neighborhood identities, and operating in a functionally efficient manner. (10 DCMR §1315.8).

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

As set forth in the Campus Plan, if all planned construction and demolition takes place over the course of the next 10 years as identified in the Campus Plan, the total FAR for university use on the Campus will be 0.20 FAR.

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

The Campus Plan application was referred to the Office of Planning ("OP") and the Department of Transportation ("DOT") for their review and report. Representatives of the Center have also contacted staff of the OP and DOT to address any questions regarding the application.

VI.
THE CENTER COMPLIES WITH REQUIREMENTS OF SECTION 3104 OF THE ZONING REGULATIONS

Under Section 3104.1, the Zoning Commission is authorized to grant those campus plan special exceptions which, in the judgment of the Commission, 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.

A. Harmony with the Zoning Regulations and Maps

The Application is in harmony with the Zoning Regulations and Maps. The Campus is zoned D/R-1-A, and university use is permitted in the R-1-A Zone by special exception. The Campus has been occupied by the Center for more than 40 years. No change in use is being requested.

B. No Adverse Effect on Neighboring Property

The proposed renovations and new construction planned for the next 10 years will not adversely impact neighboring property. The Trustees anticipate a stable enrollment of fellows

and only a minimal increase in building density, most of which will occur in the interior or other secluded portions of the Campus and thus buffered from neighboring properties.

VII.
ADDITIONAL EXHIBITS IN SUPPORT OF APPLICATION

Exhibit A: Substitute pages to Center for Hellenic Studies Campus Plan (2004 -2014) dated October 28, 2004 and filed with Application, as follows:

- ***Page 12***, indicating slight change in square footage of House "A" conversion (Original = 370 sf, Revised = 430 sf)

- ***Appendix A-1***, indicating slight change in square footage of House "A" conversion (Original = 370 sf, Revised = 430 sf) and change in total gross square footage of proposed construction (Original = 10,435 sf, Revised = 10,495 sf)

- ***Figure 6, Proposed Campus Plan***, indicating slight change in square footage of House "A" conversion (Original = 370 sf, Revised = 430 sf)

Exhibit B: Outline of the testimony of Douglas Frame, Associate Director, Center for Hellenic Studies.

Exhibit C: Outline of the testimony of representative, Richard Williams Architects.

Exhibit D: Outline of the testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

VIII.
CONCLUSION

For the reasons set forth above, it is respectfully submitted that the Trustees for Harvard University are 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,

HOLLAND & KNIGHT LLP

By: _____
Whayne S. Quin

_____
Dennis R. Hughes

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