Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Jerrily R Kress, FAIA
Director

DATE: March 22, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on April 1, 2005

1 Z.C Notice of Public Hearing (Z C Case No 04-37),
2 Z C Notice of Public Hearing (Z C Case No 05-08); and
3 Z C Order No. 04-32 (Z C Case No 04-32)

2005 MAR 22 PM 12:13
Office Of Documents And Administrative Issuances

Received By

Date

Attachments

[redacted]
CASE NO. 04-32
EXHIBIT NO. 24

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ZONING COMMISSION
District of Columbia
CASE NO.04-32
EXHIBIT NO.24

ZONING COMMISSION ORDER NO. 04-32
Case No. 04-32
(Campus Plan – Trustees for Harvard University Center for Hellenic Studies)
February 10, 2005

Application of Trustees for Harvard University (the "Applicant"), pursuant to 11 DCMR §§210 1 and 3104, for special exception approval of a campus plan for property zoned D/R-1-A, with premises address of 3100 Whitehaven Street, N.W., generally bounded by Whitehaven Street, N W., 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)

HEARING DATE: February 10, 2005
DECISION DATE: February 10, 2005 (Bench Decision)

SUMMARY ORDER

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

The Commission provided proper and timely notice of public hearing on this application by publication in the D.C Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2E, and to owners of property within 200 feet of the property that is the subject of this application The application was also referred to the Office of Planning for review and report

The subject property is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to the application, submitted a written statement in support of the application.

The D.C Office of Planning submitted a written report and testified in support of the application The D C Department of Transportation submitted a written memorandum indicating no objection to the application

As directed by 11 DCMR §3119 2, the Commission required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under 11

DCMR §210. The Applicant has submitted an extensive brief on all aspects of the special exception and offered to submit the case on the record There being no questions by the Commission, the Commission agreed to accept the Applicant's case on the record. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Commission to grant this application would not be adverse to any party

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof under 11 DCMR §§3104.1 and 210 and that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED** for a period of ten (10) years from the final date of this Order.

Pursuant to 11 DCMR §3100.5, the Commission has determined to waive the requirement of 11 DCMR §3125.3 that the order of the Commission 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: 4-0-1 (Carol J. Mitten, Kevin Hildebrand, Gregory N. Jeffries, Anthony Hood, John G. Parsons not present, not voting)

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR §3125 6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D C LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D C CODE *SEE* D C CODE § 1-2531 (1999) THIS ORDER IS

CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D C CODE. SEE D C. CODE SECTION 2-1402.67 (2001) THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER NOTE IN SECTION 2-1401 01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.