BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

Application of Trustees for Harvard University
Center for Hellenic Studies
3100 Whitehaven Street, NW

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property (Square 2155, Lot 802), with premises address of 3100 Whitehaven Street, NW, has served as the campus for Harvard University's Center for Hellenic Studies (the "Center") since 1963. The Center serves as an educational center in the field of Hellenic Greek studies, emphasizing the humanistic tradition, though 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, which is a short dead-end street running northwest from Massachusetts Avenue, NW. Whitehaven Street terminates just below Observatory Circle. The campus abuts the Embassy and Chancery of the Kingdom of Denmark to the west and the Chancery of the Republic of Italy to the east. The Subject Property is owned by the Trustees for Harvard University (the "Trustees").

The Subject Property was first approved for university use by the Board of Zoning Adjustment in 1961 (BZA Appeal No. 6430), and the BZA has since approved a number of applications involving modifications and further processings to the approved Campus Plan 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. To that end, the Trustees have provided in the enclosed materials 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 conversion of use and building addition projects. Through the present application, the Trustees request special exception approval from the Zoning Commission for the Center for Hellenic Studies Campus Plan, 2004-2014, which is included with the present application.

ZONING COMMISSION
District of Columbia
Case 04-32
Exhibit 6
ZONING COMMISSION
District of Columbia
CASE NO.04-32
EXHIBIT NO.6

In accordance with §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Commission no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Commission's approval of the requested special exception. Following herein, as required by the Commission's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

Pursuant to §210.1 of the Zoning Regulations, use as a college or university that is an academic institution of higher learning shall be permitted in all residential zones if approved by the Zoning Commission under §3104 of the Regulations, subject to the provisions of §210. The campus is located in the D/R-1-A District.

A. Section 3104.1. *The Commission is authorized to grant the campus plan special exception, where, in the judgment of the Commission, it 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 Regulations and Maps.*

The Center has been located at its current location since 1963. The use of the Subject Property is permitted through special exception, 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 and the location and program of the campus is such as to not be likely to become objectionable to adjoining or nearby property owners. The Applicant is not aware of any neighbor or community opposition to the campus use of the Subject Property.

B. Section 210.2. *The university use shall be located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.*

As the BZA has determined on a number of occasions, the proposed facilities included in the Campus Plan are located so that they will not be likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. The Center is largely hidden from public view by virtue of a combination of factors. It is accessible to vehicles only from Whitehaven Street, NW, which is a quite residential side street accessible from Massachusetts Avenue, NW. The Center's only abutting neighbors are foreign missions, Italy to the east, Denmark to the west. Dumbarton Oaks Park is directly to the south The

Center enjoys good relations with its residential neighbors along Whitehaven Street.

The campus use of the Subject Property 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. No more than an additional 0.04 FAR increase is contemplated on the site by the Center as part of their capital improvements pursuant to the Campus Plan

Further, by virtue of the Center's unique mission, it attracts as students/fellows 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. Approximately 11 fellows are in residence during a typical academic year. Adequate parking is provided throughout the campus.

C. Section 210.3. *The maximum bulk requirements of individual buildings may be increased beyond what would otherwise be permissible, provided that the total bulk of all buildings and structures shall not exceed the gross floor area prescribed for the R-5-B District, namely 1.8 FAR.*

The bulk proposed for the Center in its Campus Plan, including the few small improvement projects and additions contemplated therein, is only approximately 0.20 FAR, far under the prescribed 1 8 FAR.

D. Section 210.4. *The applicant must submit to the Commission a campus planning document, showing the location, height, and bulk, where appropriate, of all existing and proposed improvements, including: (a) buildings and parking and loading facilities; (b) screening, signs, streets and public utility facilities; (c) athletic and recreational facilities; and (d) a description of activities conducted on the campus and capacity of all present and proposed campus development.*

The Trustees have provided these materials in the Center for Hellenic Studies Campus Plan, included with the present Application.

E. Section 210.5. *Within a reasonable distance of the college or university campus, and subject to compliance with the provisions of §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.*

No interim use of land or improved property outside the campus area is proposed.

F. Section 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 until and unless the Zoning 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 Trustees do not propose to move any major new or previously-approved buildings off-campus.

G. Section 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 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 Subject Property 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 and 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. Section 210.8. *As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the university shall certify and document that the proposed building or amendment is within the floor area ratio 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 adopted.*

The Trustees certify that the few small improvement projects and additions Center are within the FAR limit for the campus as a whole. Documentation in support of this certification may be found in the Campus Plan.

I. Section 210.9. *Before taking final action on applications 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.*

It is the Applicant's understanding that the Office of Zoning will refer this application to the Office of Planning and the D.C. Department of Transportation. Representatives of the Center will meet with representatives of the Office of Planning and the Department of Transportation prior to the public hearing in this matter.

For all these reasons, the Center satisfies the requirements for special exception approval for its continued use of the Subject Property as a university that is an academic institution of higher learning