

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hklaw.com

RECEIVED
D C OFFICE OF ZONING
2015 JUN -4 PM 2:33

Dennis R Hughes
202 419 2448
dennis.hughes@hklaw.com

June 4, 2015

VIA HAND DELIVERY

District of Columbia Zoning Commission
441 4th Street, N W
Suite 210S
Washington, D C 20001

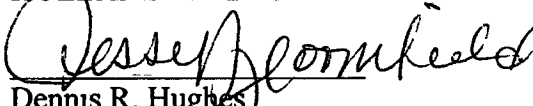
Re Z.C. Case No. 15-06 – Prehearing Statement
Center for Hellenic Studies, 3100 Whitehaven Street, N W
Campus Plan Approval

Dear Members of the Commission

On behalf of the Trustees for Harvard University, we hereby submit one original and 20 copies of the prehearing statement in support of the above-referenced application. We look forward to the Commission's consideration of this application at the public hearing on June 18, 2015.

Sincerely,

HOLLAND & KNIGHT LLP


Dennis R. Hughes
Jessica R. Bloomfield

Enclosures

cc: Jennifer Steingasser, OP (via Hand Delivery)
Stephen Gyor, OP (via Hand Delivery)
Jonathan Rogers, DDOT (via Hand Delivery)
ANC 2E (via U S Mail)
Monica Roache, ANC 2E07 (via U S Mail)

ZONING COMMISSION
District of Columbia
CASE NO. 15-06
EXHIBIT NO. 17
ZONING COMMISSION
District of Columbia
CASE NO.15-06
EXHIBIT NO.17

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**Z.C. Case No. 15-06
Application of Trustees for Harvard University
Renewal of Approved Campus Plan
Center for Hellenic Studies
3100 Whitehaven Street, N.W.**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

The Trustees for Harvard University (the “Trustees” or the “Applicant”), the owner of property located at 3100 Whitehaven Street, N W (Square 2155, Lot 802) (the “Site”), submit this statement to the Zoning Commission, pursuant to 11 DCMR §§ 210, 3104, and 3035, in support of their application for the renewal of an existing campus plan and a special exception to permit university use in the D/R-1-A District at the Site

**II.
INTRODUCTORY STATEMENT**

A. Background

The Site has served as the campus for Harvard University's Center for Hellenic Studies (the "Center") since 1963. The Center serves as an educational institution in the field of Hellenic Greek studies, emphasizing the humanistic tradition 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 in northwest Washington, DC. The campus is accessed from Whitehaven Street, NW, which is a short, dead-end street running northwest from Massachusetts Avenue, NW, and terminating just below Observatory Circle. The Site 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 Center is located in the D/R-1-A District, in which university use requires special exception review by the Zoning Commission pursuant to 11 DCMR §§ 210 and 3104

B. Prior Campus Plan Approvals

The Site was first approved for university use by the Board of Zoning Adjustment (“BZA” or the “Board”) in 1961 (BZA Appeal No 6430) The BZA subsequently approved a number of applications involving modifications and further processings to the approved campus plan in support of certain small-scale improvements and additions (*see* BZA Orders Nos 14659, 15780, and 16213) Most recently, the Zoning Commission approved an application for special exception approval of the campus plan for a period of ten years, or until March 16, 2015 (*see* Z C. Order No 04-32, dated February 10, 2005, and effective on March 16, 2005).

C. Summary of Proposed Campus Plan Renewal

Through the present application, the Trustees request approval of the Center for Hellenic Studies Campus Plan, 2015-2025, included in the case record at Exhibit 7 and supplemented by the revised sheets attached hereto as Exhibit A (together the “Campus Plan”) The Campus Plan includes site and planning documents and an overview of the Trustees’ intentions for the campus over the course of the next decade As indicated in the Campus Plan, the Applicant has no active plans for expansion of the campus but rather intends to make the following minor design changes to certain of the existing buildings and landscape elements of the Site, namely (1) construct a 7,500 square foot addition on the south side of the Administration/Library Building to

accommodate new collections and growth to existing collections (included in approved 2005-2015 campus plan, (ii) construct a new 20 x 40 structure into the side of the hill below the entrance drive to the Director's Residence for additional storage (new storage facility included in approved 2005-2015 campus plan), including relocation of three parking spaces; (iii) construct modest at-grade hardscape terraces or one-story screened-in porches at the back of the Conference Center and each of Houses B through F flanking the entry drive; and (iv) construct a new pedestrian gate and flanking wall and related hardscape improvements

All upgrades are well within the density limits for the campus as a whole and are discussed in more detail on page 12 of the Campus Plan

As indicated in the replacement sheets to the Campus Plan attached as Exhibit A, the Applicant has made the following minor refinements to the Campus Plan site plans that were submitted as part of the application package on March 16, 2015 (Exhibit 7 to the record)

1 Figure 1 – Existing Facilities plan

- a. Added view indicators for each photograph provided at Exhibit B,
- b. Identified the newly-installed vehicular gate and trash enclosure located at the northwest portion of the Site,

2 Figure 3 – Existing Pedestrian Network plan:

- a. Identified the newly-installed vehicular gate and trash enclosure located at the northwest portion of the Site,
- b. Identified the location of the pedestrian gate located at the northeast portion of the Site;

3 Figure 4 – Existing Vehicular Circulation and Parking plan

- a. Identified and provided detailed drawings of the new vehicular gate and trash

enclosure located at the northwest portion of the Site;

- b. Relocated one of the handicapped parking spaces to the accessible ramp leading to the lower level entrance of the administration building/library, which is near the elevator serving the building

4 Figure 6 – Proposed Campus Plan plan.

- a Identified the newly-installed vehicular gate and trash enclosure located at the northwest portion of the Site,
- b Identified the location of pedestrian gate located at the northeast portion of the Site;

The Applicant has also provided additional photographs showing the existing conditions of the Site (Exhibit B)

D. Community Support

The Site is located within the jurisdiction of Advisory Neighborhood Commission (“ANC”) 2E. On May 4, 2015, at its duly noticed, regularly scheduled public meeting at which a quorum was present, ANC 2E voted 8-0-0 to support the application. The ANC noted that the proposed improvements to the Campus Plan occupy a small portion of the Site, that the Site is well screened by trees and other foliage, and that on-site activities generally involve academic pursuits by a relatively small number of people. The ANC also noted that it is not aware of any objections to the Application. The ANC’s support letter is included in the record at Exhibit 15.

III.

JURISDICTION OF THE COMMISSION

The Zoning Commission has jurisdiction pursuant to 11 DCMR §§ 210 and 3104 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 Zoning Commission rulemaking in Order No 932, dated December 8, 2000 (Z C Case No 99-09)

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 made clear that institutional necessity is a factor to be considered in a campus plan application. *Draude v. District of Columbia Board of Zoning Adjustment*, 582 A.2d 949, 955 (1990).

IV.

COMPLIANCE WITH SECTION 3104

Under 11 DCMR §§ 3035 and 3104.1, the Zoning 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 in its current location since 1963. The university use of the Site is permitted through special exception, and the BZA and Zoning Commission have found on numerous occasions that this use is in harmony with the purpose and intent of the Zoning Regulations, and that the location and program of the campus is not likely to become objectionable to adjoining or nearby property owners. The Applicant is not aware of any neighbor or community opposition to the continued university use of the Site.

V.
COMPLIANCE WITH SECTION 210

The application fully complies in all respects with 11 DCMR § 210. The specific requirements of this section are addressed in detail below.

- A. **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 and Zoning Commission have previously determined, the facilities included in the Campus Plan are located so that they are not 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 and is accessible to vehicles only from Whitehaven Street, NW, which is a quiet residential dead-end street accessible only from Massachusetts Avenue, NW. Moreover, the Center's only abutting neighbors are foreign missions, with Italy to the east and Denmark to the west. The Center enjoys good relations with its residential neighbors along Whitehaven Street, NW. Adequate parking is provided throughout the campus to accommodate the administration, staff and researchers at the Center as well as periodic visitors.

Moreover, the campus use of the Site represents an exceptionally low density and low intensity of use. The existing building density on the six-acre site is approximately only 0.17 FAR. Furthermore, by virtue of the Center's unique mission, it generally attracts as students/fellows mid-career professors of classical studies who reside at the Center during the academic year to conduct research, travel in support of their research, and teach. Approximately 10 fellows are in residence during a typical semester.

- B. 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 total bulk of all the buildings and structures on the Site is 0.17 FAR.

- C. 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 the above-listed materials in the Campus Plan, included with the present Application. 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 existing and proposed improvements. As detailed in the Campus Plan and described herein, the Trustees anticipate only very limited improvements over the course of the next ten years, most of which improvements were approved by the Zoning Commission as part of the Campus Plan 2005-2015.

- D. 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

The Trustees are not proposing any interim use of land or improved property outside of the university campus area as part of this application

- E.** **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 are not proposing to move any major new or previously-approved building off-campus as part of this application

- F.** **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 set forth in the Comprehensive Plan. The Comprehensive Plan Future Land Use Map shows the Site located in the Low Density Residential land use category. The Comprehensive Plan Generalized Policy Map shows the Site located in the Neighborhood Conservation Area category. The Campus Plan is consistent with these designations.

The Campus Plan is also consistent with several of the Comprehensive Plan's Citywide elements, including *Policy LU-2 3 5 Institutional Uses*, which recognizes the importance of institutional uses to the economy, character, history, and future of the District of Columbia. Consistent with this policy, the Campus Plan is designed to operate in a manner that is sensitive to neighborhood uses and maintains a high quality of life. The Center also works proactively to

address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion. *See* 10A DCMR § 311 7

The Campus Plan is consistent with the District's more specific policies in support of institutional uses, which make an important contribution to the District's economy and are an integral part of Washington's landscape and history 10A DCMR § 315 1-3. These policies encourage a continued investment in high quality architecture and design on local campuses, low impact development, and the adaptive reuse and preservation of historic buildings 10A DCMR § 315 5. The Campus Plan is consistent with *Policy LU-3 2 3 Non-Profits, Private Schools, and Service Organizations*, which encourages institutional uses that occupy large sites within residential areas to be planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities 10A DCMR § 315 8 The Campus Plan is also consistent with *Policy EDU-3 3 1 Satellite Campuses*, which promotes the development of satellite campuses to accommodate university growth, relieve growth pressure on neighborhoods, spur economic development and revitalization in neighborhoods, and create additional lifelong learning opportunities for District residents (10A DCMR § 1214 5), and follows the requirements set forth in *Policy EDU-3 3 3 Campus Plan Requirements*, which mandates that campus plans are to be prepared by institutions, subject to District review and approval, that address issues raised by the surrounding communities. 10A DCMR § 1214 7

Finally, the Campus Plan is consistent with the Near Northwest Area Element of the Comprehensive Plan, the area of the District in which the Site is located The Near Northwest Area is located directly north and west of Central Washington and is known for its historic architecture, well-established neighborhoods, and nationally recognized institutions 10A DCMR § 2100 1-2 The Campus Plan is consistent with this area's planning and development

priority of maintaining the existing quality and scale of development 10A DCMR § 2107 2(c).

It is also consistent with *Policy NNW-1 1 1 Residential Neighborhoods*, which encourages the maintenance and enhancement of the historic, architecturally distinctive, mixed-density character of Near Northwest neighborhoods In this case, the Applicant is not proposing to make any significant changes to the existing development on the Site, and therefore the Campus will continue to integrate well with the surrounding uses and character of the neighborhood.

- G.** *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 Applicant is not requesting approval of any new construction as part of this application that was not already approved by the Zoning Commission in the 2005-2015 campus plan As indicated in the Campus Plan, the Applicant intends to make certain minor design changes to some of the existing buildings and landscape elements on the Site The Applicant certifies that all potential upgrades will be within the density limit for the campus as a whole

- H.** *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*

The application has been referred to the Office of Planning and DDOT for their review and report We understand that these agencies will be issuing reports to the Commission

VI.
WITNESSES

M Zoie Lafis, the Administrative Director for the Center for Hellenic Studies, will testify in support of the application (outline of testimony provided at Exhibit C)

Richard Williams, Principal of Richard Williams Architects, will testify as an expert in architecture in support of the application (resume and testimony outline provided at Exhibit D)

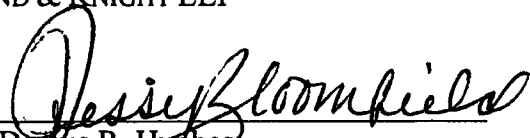
VII.
CONCLUSION

For the reasons set forth above, the Trustees for Harvard University respectfully request that the Commission approve the Campus Plan for Harvard University's Center for Hellenic Studies

Respectfully submitted,

HOLLAND & KNIGHT LLP

By


Dennis R. Hughes
Jessica R. Bloomfield