**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Zoning Commission**

**ZONING COMMISSION ORDER NO. 04-12**
**Z.C. CASE NO. 04-12**
**(CAMPUS PLAN FURTHER PROCESSING – CARNEGIE INSTITUTION OF WASHINGTON)**
**JULY 15, 2004 & SEPTEMBER 13, 2004**

This Decision and Order arises out of an application by the Carnegie Institution of Washington ("Carnegie" or "Applicant") for special exception approval pursuant to 11 DCMR § 3104.1, and in accordance with § 210 of the Zoning Regulations, for further processing under an approved campus plan to allow modifications to an existing building (the "Experiment Building"), including two, small one-story additions, as well as the installation of a concrete pad between the existing Main and Research buildings for an emergency generator, at premises 5241 Broad Branch Road, N.W. (Square 2288, Lot 813).

**HEARING DATE:** **July 15, 2004**

**DECISION DATES:** **July 15, 2004 and September 13, 2004**

## DECISION AND ORDER

### Preliminary Matters

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Commission provided proper and timely notice of the public hearing on this application by publication in the D.C. Register on May 14, 2004 (51 DCR 5009), and by mail to Advisory Neighborhood Commission ("ANC") 3/4G and to owners of property within 200 feet of the site.

ANC 3/4G was an automatic party in this proceeding. The Commission did not receive other requests for party status.



ZONING COMMISSION
District of Columbia
CASE NO.04-12
EXHIBIT NO.28

## Findings of Fact

1. The subject property is an irregularly-shaped parcel, with a land area of approximately 8.8 acres, located at the intersection of Broad Branch Road, 32nd Street, and Jocelyn Street, N.W. in the Chevy Chase neighborhood of Ward 3.

2. The subject property is zoned R-1-A. The surrounding neighborhood contains primarily single-family detached houses and some institutional uses in the R-1-A and R-1-B districts.

3. The Applicant has occupied the subject property since approximately 1918. The site contains five primary buildings – the Research, Main (administrative), Cyclotron, Accelerator, and Experiment Buildings – as well as several incidental buildings. Carnegie is a nonprofit research and educational institution that conducts basic research and training in natural sciences.

4. By order in BZA Application No. 14831, the Applicant was granted a special exception, subject to conditions, that allowed construction of a new research building and renovations to the existing Cyclotron Building, resulting in an increase in the campus-wide floor area ratio to 0.882 FAR. By order in BZA Application No. 16224 (May 14, 1997), the Applicant was granted a special exception allowing modification of the Cyclotron Building; approval was granted subject to certain conditions, including those previously adopted by the Board in Application No. 14831.

5. With respect to the Experiment Building, the Applicant proposes to construct two, small one-story additions totaling 2,550 square feet of new construction, and to demolish a one-story structure and a "balloon frame" and basement. One addition, approximately 950 square feet, will be used for a new seminar/exhibit area with bathrooms; the other addition will be a new conference room of 1,600 square feet. The project also includes modifications to the remaining 1,300 square feet of the existing Experiment Building, which will house a new kitchen and lunchroom, a seismology lab on the lower level, and the existing carpentry shop. The modifications will increase the capacity for lectures from 90 to 110 persons.

6. The Applicant also proposes to construct a generator pad in a location between the existing Main and Research Buildings buffered from the residential neighborhood. The generator will be used only during power outages, with noise reflected upward by walls around the generator pad.

7. The Applicant's proposal will increase the existing density on the campus by 2,550 square feet, resulting in a new total density of 40,477 square feet. The proposed changes will increase the campus floor area ratio ("FAR") to 0.89, below the maximum FAR of 1.8. The new lot occupancy of almost 10 percent will be less than the maximum permitted lot occupancy of 40 percent.

8. The Applicant's proposal will not alter traffic or parking. No additional parking will be required as a result of the Applicant's proposal.

9. By memorandum dated July 8, 2004 and through testimony at the public hearing, the Office of Planning ("OP") recommended approval of the application subject to the conditions adopted by the Board in Application No. 16224, with the exception of an increase in maximum density for the campus of 0.89 FAR until any future further processing application. OP stated that approval of the application would not cause any detrimental impact on neighboring properties, in part because the Carnegie buildings are set back approximately 95 feet from the property boundary, and because the proposed modifications will not increase the student or faculty populations, create objectionable traffic conditions, or increase the demand for parking on or around the campus.

10. The Commission credits OP's conclusion that the requested special exception is in harmony with the intent and purpose of the Comprehensive Plan.

11. At a public meeting held June 14, 2004, with a quorum present, ANC 3/4G voted 6-0 in support of the application, noting that there will be no change in Carnegie's population (99 persons) or parking spaces (67). ANC 3/4G requested that the conditions adopted by the Board of Zoning Adjustment in Application No. 14831 remain in effect.

## Conclusions of Law

The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104 of the Zoning Regulations, for further processing of its approved campus plan to allow modifications to the existing Experiment Building, including two, small one-story additions, as well as the installation of a concrete pad between the existing Main and Research buildings for an emergency generator. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception 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, subject to certain conditions specified in § 210. D.C. Official Code § 6-641.07(g)(2) (2001), 11 DCMR § 3104.1.

Based on the Findings of Fact above, the Commission approves the requested special exception for the proposed minor modifications to the Experiment Building and the installation of a concrete pad for an emergency generator. The project is consistent with the Applicant's campus plan and with the Zoning Regulations and Maps, and will not tend to affect adversely the use of neighboring property. The record reflects no objections to the application, and the Commission gives great weight to the recommendations of conditional approval from the Office of Planning and the affected ANC.

The Commission adopts the conditions previously adopted by the Board of Zoning Adjustment, with certain modifications and deletions to reflect the passage of time since those orders were issued.

Accordingly, it is ordered that this application is **GRANTED** subject to the following **CONDITIONS**:

1. The campus shall be developed in accordance with the plans marked as Exhibit No. 10 of the record.

2. The campus shall be used primarily as a research facility and for post-doctoral education in accordance with the approved campus plan.

3. The campus population shall not exceed 99 persons (not including attendees at lectures in the Experiment Building).

   a. There shall be no more than 34 students or fellows.

   b. There shall be no more than 30 faculty, 15 technical support staff, and 20 administrative staff and other personnel.

4. The maximum floor area ratio for the campus shall not exceed 0.89.

5. There shall be a minimum of 67 off-street parking spaces provided.

6. Existing landscaping shall be maintained in a healthy state.

7. The Applicant shall make every effort to facilitate an orderly phasing of the construction to minimize any impacts on the neighborhood.

**VOTE:** **4-0-1** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries and John G. Parsons to approve the application; Kevin Hildebrand not present, not voting)

**VOTE:** **4-0-1** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries and John G. Parsons to adopt the conditions; Kevin Hildebrand not voting, not having heard the case)

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

**ATTESTED BY:** _____
**JERRILY R. KRESS, FAIA**
**DIRECTOR, OFFICE OF ZONING**

**FINAL DATE OF ORDER:** SEP 2 8 2004.

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.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.

*Government of the District of Columbia*
Office of Zoning

**Z.C. CASE NO.: 04-12**

As Secretary to the Commission, I herby certify that on OCT 0 1 2004 copies of this Z.C. Order No. 04-12 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Richard B. Nettler, Esq.
   Robins, Kaplan, Miller & Ciresi
   1801 K Street, N.W.
   Washington, D.C. 20006-1307
3. Robert Gordon, Chair
   ANC 3G
   P.O. Box 6252, NW Station
   Washington, D.C. 20015
4. Anne M. Renshaw, Chair
   ANC/SMD 3G03
   2910 Military Road, N.W.
   Washington, D.C. 20015
5. Gottlieb Simon
   ANC
   1350 Pennsylvania Avenue, N.W.
   Washington, D.C. 20004
6. Councilmember Kathleen Patterson
7. Office of Planning (Ellen McCarthy)
8. Ken Laden, DDOT
9. Zoning Administrator
10. MLK Library (30 Copies)
11. Property Owners Within 200 Feet (see attached list provided by Applicant)
12. Corporation Counsel (Alan Bergstein)

**ATTESTED BY:** Alberto P. Bastida

**Alberto P. Bastida, AICP**
**Secretary to the Zoning Commission**