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July 11, 2024

VIA IZIS

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW, Ste. 210S
Washington, DC 20001

**Re: BZA Case No. 21143
Trustees for Harvard University (Dumbarton Oaks)
Response to Party Status Requests**

Mr. Chairman and Members of the Board:

This letter is submitted on behalf of the Trustees for Harvard University (the “Applicant”) in response to the requests for party status in opposition to the above-reference application filed by Daneil Chao (Ex. 26), Kathryn B. Fitzgerald and Peter F. Fitzgerald (Ex. 27), Amelie Stroh (Ex. 28), and Erin Drouin (Ex. 29) (collectively, the “Opponents”).

The public hearing for the application has been postponed to October 23, 2024, at the request of ANC 2E. The Applicant did not object to the motion because ANC 2E Chair, Commissioner Lohse has agreed to host a meeting on July 29, 2024, with the Opponents and other neighbors to discuss the application, and to have the application considered at the ANC 2E meeting scheduled for September 3, 2024.

Primarily, the Opponents raise concerns about Dumbarton Oaks using the residential building at 3100 R Street, NW (the “Property”), on an interim basis, for office/administrative tasks; the potential alterations to the building to accommodate the nonprofit use; traffic and noise impacts from the nonprofit use; and the condition of the building. These concerns are addressed below.

The Property will not be Used for a Commercial or Business Use

The Opponents suggest that the Applicant seeks to convert the residential building to a commercial or office building. This is not true. The property is zoned R-1B/GT. Commercial and office buildings are not permitted in this zone district.

Nonprofit organizations are permitted to occupy a residential building in a historic district for the purposes of the nonprofit organization, subject to special exception approval by the Board

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of Zoning Adjustment (“BZA”) in accordance with Sub. U, Sec. 203.1(o) of the Zoning Regulations. The Applicant seeks approval for the nonprofit use pursuant to this provision.

The Applicant will not Alter the Historic Residential Character of the Building

The Opponents express concern that the proposed interim use of the building for office/administrative tasks by Dumbarton Oaks requires expanding the building footprint and upgrades to its mechanical systems. These concerns are ill-founded.

Until the building is renovated in accordance with the plans approved by the Old Georgetown Board (“OGB”) and the Commission of Fine Arts (“CFA”) in February of 2022, which are filed at [Exhibit 22E](#) of the case record, the Applicant is not proposing any changes to the building footprint, changes to the interior configuration, or changes to the mechanical equipment for the Property. The current floor plan of the building is reflected on the plans filed at [Exhibit 18](#) of the case record.

The Proposed Conditions Address Potential Impacts from the Proposed Uses

The Opponents have raised concerns about the potential of noise and traffic that could be generated from the nonprofit use of the Property. To mitigate the potential impacts, the Applicant has proposed the following conditions as part of its application to the BZA:

1. The proposed office use for the building will expire two (2) years after the effective date of the BZA Order. Dumbarton Oaks may seek up to two (2) one-year extensions of the approval for the office use.
2. The proposed office use will be limited to Monday – Friday, from 7 a.m. to 7 p.m. No more than four (4) Dumbarton Oaks employees may be assigned to work at the building at one time.
3. Employees shall use off-street parking at the property, within the Dumbarton Oaks campus, or at Dumbarton Oaks’ Fellowship House located at 1700 Wisconsin Avenue, NW. Employees shall not be permitted to use neighborhood on-street parking.
4. While the property is occupied with the approved office use, Dumbarton Oaks shall not permit the use of the Property for receptions, parties, conferences, celebrations or similar functions with a gathering of people.
5. While the property is occupied with the approved office use, any construction/renovations at the property shall be restricted to the hours of 8 a.m. to 6 p.m., notwithstanding the hours permitted by the District Department of Buildings.
6. The Property shall provide temporary housing accommodations for up to six (6) Dumbarton Oaks Scholars at one time. Temporary accommodations may also be provided for professors or other professional scholars conducting research at Dumbarton Oaks.

7. Except for those with ADA needs, Dumbarton Oaks Scholars shall be prohibited from having an automobile while residing at the Property. Scholars or other guests with automobiles shall use the off-street parking at the Property, within the Dumbarton Oaks campus, or at the off-street parking facilities at the Fellowship House at 1700 Wisconsin Avenue, NW.

Some of the Opponents claim it would be difficult to enforce agreed upon hours and activities. This claim is without merit. Zoning orders routinely include conditions that are intended to mitigate the impacts of uses approved as special exceptions. Violations of the conditions are enforced by the Department of Buildings (“DOB”) and could result in the revocation of the Certificate of Occupancy. In this case specifically, the ANC 2E single member district representative, Daniel Chao, lives next door the Property, and could report any violations of the order directly to DOB. This is the most appropriate and efficient matter to ensure compliance with the conditions related to the use of the Property.

The Property will be Fully Renovated and Restored

The Opposition commented on the condition of the Property.

It is our understanding that, prior to the Applicant’s purchase, the Property remained vacant for approximately 15 years. The Property has significant water damage from a leaky roof and is in need of other significant repairs and upgrades. However, the building is structurally sound and there are no life safety issues that prohibit the proposed use of the building.

The Applicant purchased the Property in March of 2021. Within one year, in February 2022, the Applicant obtained Concept Approval by the OGB and the CFA for the exterior and interior renovations, repairs and improvements necessary to restore the building and make it habitable for Dumbarton Oaks Scholars. The exterior renovations include replacing the windows, preserving the brick and cast stone elements on the street facing façade, repairs to the cracked mortar, and painting. Additionally, the slate roof will be replaced, and the landscape elements will be updated, including the garden wall, garden gate, and screen doors to improve the appearance on R Street. Inside, the Applicant will make minor configurations to the floor plan. Each of the newly configured second and third floors will have three bedrooms and three full baths and a study. The fourth floor will have a study/office area, half bath and family room. The estimated cost of the renovations is \$9.5 million.

Given the historic nature of the building and the neighborhood, a significant level of care and detail will go into the renovation of the Property. The Applicant has done some preliminary work toward the renovation of the Property. For example, the third floor ceiling was removed because it contained asbestos. Also, there was selective interior demolition in order to investigate behind walls and underground. After the investigations were completed, the holes were repaired. Last summer, the main sewer line serving the Property was replaced. Finally, there are three areas on the west side of the building where the exterior paint was investigated for poultice brick cleaning. This process is necessary to remove five layers of paint so that the new paint can be applied to the original brick.

The Applicant purchased the Property during the Pandemic with the intention to timely pursue the renovation of the building to house Dumbarton Oaks Scholars, as evidenced by the immediate filing of the application to OGB. However, as it is widely known, the Pandemic caused

drastic supply chain and labor issues resulting in significant delays for capital projects across various sectors. The projects for Dumbarton Oaks are no exception. Until the property can be renovated to house Dumbarton Oaks Scholars, as approved by OGB and CFA, it is more beneficial to have the property occupied than vacant, even if only during business hours.

Notice was Given to all Owners Within 200 Feet of the Property

Attached at [Exhibit 7](#) of the case record is the map and list of property owners within 200 feet of the Property, as provided by the Office of Tax and Revenue. Opponent Ms. Stroh states that her home at 1679 31st Street, NW (Square 1282, Lot 0854) is within the 200-foot radius; but, as shown on the map, her home is just outside of that radius.

Conclusion

In addition to the foregoing issues, the Opponents commented on the possibility of the property being sold or the Applicant seeking additional time to start the building renovations; the construction underway at Dumbarton Oaks in accordance with the amendment to the Campus Master Plan approved in November pursuant to ZC Order No. 20-29A; and the number of visitors to the gardens at Dumbarton Oaks. None of these factors are pertinent to the legal standard of review for the application. Finally, Dumbarton Oaks was established more than 80 years ago. There are staff monitoring Dumbarton Oaks facilities 24 hours a day, and the safety and security of its properties has never been a primary concern for the neighborhood.

Thank you for your considerate attention to this matter.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila Batties*

Leila M. Jackson Batties
John T. Oliver

cc: Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2024, a copy of this Response to Party Status Request from the Opponents to the Board of Zoning Adjustment was served by electronic mail on the following at the addresses stated below.

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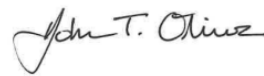
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