

**THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

*3100 R STREET, NW*  
*(SQUARE 1281, LOT 836)*

*BZA CASE NO. 21143*  
*PUBLIC HEARING DATE: OCTOBER 23, 2024*

**PREHEARING STATEMENT OF THE APPLICANT**

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**I.**  
**NATURE OF RELIEF SOUGHT**

This Prehearing Statement is submitted on behalf of the Trustees for Harvard University (the “Applicant”), in support of an application requesting special exception approval to permit the use of an existing residential building by a nonprofit organization for the purposes of the nonprofit, pursuant to 11-U DCMR § 203.1(o), and an area variance from 11-U DCMR § 203.1(o)(2), which requires a gross floor area of the building to be used by the nonprofit organization be greater than 10,000 square feet. *See* 11-U DCMR § 203.1(o); *see also* 11-X DCMR § 1001.3(f) (collectively, the “Application”). Approval of the relief requested will permit the residential building located at 3100 R Street, NW (Square 1281, Lot 836) (the “Property”) to be used by the Dumbarton Oaks Research Library and Collection (“Dumbarton Oaks”), as office space, on an interim basis, for up to four Dumbarton Oaks employees, and then as housing for Dumbarton Oaks Scholars and professors or other professional scholars conducting research at Dumbarton Oaks.

**In connection with the approval of the Application, the Applicant proposes the following conditions:**

**Temporary Office Use**

1. The proposed office use of the building will expire two (2) years after the effective date of the Board of Zoning Adjustment (“BZA”) Order approving the Application. The Applicant may seek up to two (2) one-year extensions of the approval of the office use.
2. The proposed office use will be limited to Monday through Friday, from 8 a.m. to 6 p.m., except that no office meetings or conferences shall take place at the Property before 8:30 a.m.

No more than four (4) Dumbarton Oaks employees may be assigned to work at the building at one time.

3. In order to mitigate any potential noise from the office use of the Property on the abutting residence, prior to the issuance of a certificate of occupancy for the non-profit use of the Property, the Applicant shall install, as an interim measure, acoustic panels and drywall on the main level of the building along that portion of the southern facing wall that is shared with the abutting residence. When the building is fully renovated, the Applicant shall replace the acoustic panels with a soundwall.
4. 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.
5. 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.
6. 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.

#### **Housing for Dumbarton Oaks Scholars**

7. 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.
8. 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.

#### **Termination of Special Exception Approval**

9. Upon the sale of the Property, the Applicant agrees to file a request with the BZA that the special exception approval and area variance granted in the Application be terminated.

## **II. DISCUSSION**

The public hearing for the Application was deferred twice at the request of Advisory Neighborhood Commission ("ANC") 2E. Since the Application was postponed from the July 24th public hearing, the Applicant has continued its efforts to present the Application to the ANC and neighborhood stakeholders and discuss measures to mitigate any potential adverse impacts

resulting from the proposed zoning requests. Specifically, on June 29<sup>th</sup>, the Applicant participated in a community meeting hosted by the chair of ANC 2E where attendees had several questions and comments about the Application and the Property. The Applicant distributed written responses to the questions and comments in advance of the meeting; a copy of the written materials is attached as **Exhibit A**. Additionally, in response to the abutting neighbor's concern about potential noise impacts from the Property, the Applicant has agreed to install acoustic panels and drywall while the Property is used for office use, and then replace the acoustic panels with a soundwall when the Property is fully renovated as housing for Dumbarton Oaks scholars. This proffer by the Applicant, and all of the other foregoing conditions, were memorialized in a draft memorandum of agreement, which was forwarded to the chair of ANC 2E on September 12<sup>th</sup>. A copy of the draft memorandum of agreement is attached as **Exhibit B**.

There have been no material changes to the Application's compliance with the applicable legal standards of review. *See Preliminary Statement of Compliance w/ Burden of Proof, [Exhibit \("Ex."\) 8](#); see also Applicant's Prehearing Statement, [Ex. 22](#).*

### **III.** **ANC & COMMUNITY ENGAGEMENT**

In accordance with 11-Y DCMR § 300.8(l), the Applicant will supplement the record regarding its outreach efforts at least twenty-one days prior to the public hearing.

Below is a list of the Applicant's outreach to ANC 2E and the surrounding community related to the Application.

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|------------------------|--|
| <b><u>April 1</u></b>  | Application filed; copy served on ANC 2E and Commissioner Daniel Chao, SMD for ANC 2E-07.                                  |
| <b><u>April 2</u></b>  | Dumbarton Oaks representatives met with ANC 2E Chair Gwen Lohse and Commissioner Chao to discuss the Application.          |
| <b><u>April 23</u></b> | Dumbarton Oaks virtual meeting with ANC 2E Chair Gwen Lohse and Commissioner Chao; ANC requested proposed conditions.      |
| <b><u>April 29</u></b> | Dumbarton Oaks sent list of proposed conditions for the Application to Commissioner Lohse and Commissioner Chao via email. |


- June 4** Dumbarton Oaks sent list of proposed conditions to Commissioner Lohse in a letter dated June 4, 2024; copy filed with BZA, Office of Planning and DDOT.
- June 13** Dumbarton Oaks hosted community meeting to discuss the Application and other questions/concerns related to the Property.
- July 29** Dumbarton Oaks participated in a community meeting hosted by ANC 2E to discuss the Application and to address community questions.
- Sept. 5** Applicant corresponded with Mr. Chao, the abutting neighbor at 1698 31<sup>st</sup> Street, NW, to conduct further discussions regarding the soundproofing of the shared wall.
- Sept. 12** Applicant forwarded draft memorandum of agreement to ANC 2E Chair.

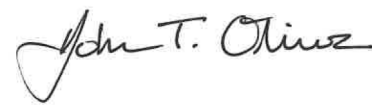
#### **IV.** **CONCLUSION**

For the reasons stated above and described elsewhere in the case record, the Applicant has demonstrated that the relief requested complies with the applicable standards of review under 11-X DCMR § 901.2, 11-U DCMR § 203.1(o), and 11-X DCMR § 1000.1, and should therefore be approved.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

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