

BZA Case No. 21143

Dumbarton Oaks – Trustees for Harvard University
3100 R Street, NW (Sq. 1281, Lot 836)

Board of Zoning Adjustment – Public Hearing

Oct. 23, 2024



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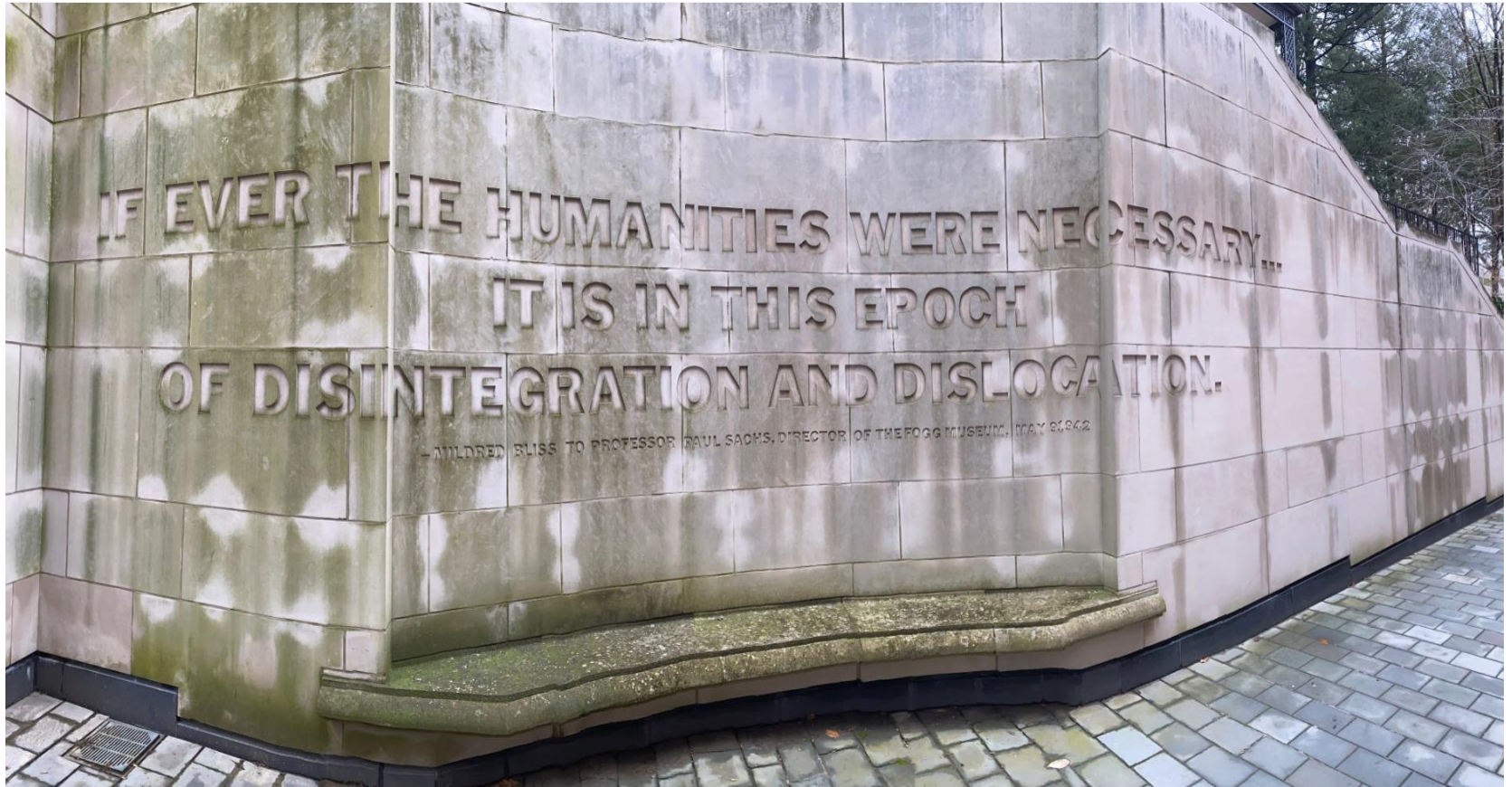
DUMBARTON OAKS
Board of Zoning Adjustment
District of Columbia
CASE NO. 21143
EXHIBIT NO. 56
ART • NATURE • SCHOLARSHIP

Application Review

1. Special Exception approval to permit use of the existing residential building located at 3100 R Street, NW, by Dumbarton Oaks, a nonprofit organization, in furtherance of its mission, pursuant to Subtitle U § 203.1(o).
2. Area Variance from Subtitle U § 203.1(o)(2) to have a residential building with a gross floor area of 8,060 square feet where the Zoning Regulations require the building to be a minimum of 10,000 square feet.

Dumbarton Oaks

Established by Mildred Barnes Bliss & Robert Woods Bliss in 1940



Application Highlights

- Office of Planning recommends approval of the application subject to two (2) conditions:
 1. The proposed office use of the building will expire two (2) years after the effective date of the BZA Order approving the Application or December 31, 2026, whichever is later.
 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, which includes contractors and subcontractors assigned to work at the Property (collectively, the “Employees”), may be assigned to work at the building at one time.
- The Applicant has entered into a Memorandum of Agreement with ANC 2E and the parties in opposition that sets forth additional conditions in connection with the approval of the application.
- ANC 2E supports the application subject to the executed Memorandum of Agreement.
- Persons granted party status have withdrawn their opposition to application.

Applicant's Proposed Conditions

Temporary Office Use

1. The proposed office use of the building will expire two (2) years after the effective date of the BZA Order approving the Application or December 31, 2026, whichever is later.
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, which includes contractors and subcontractors assigned to work at the Property (collectively, the "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 along that portion of the southern facing wall that is both (a) on a level of the building occupied by the office and (b) shared with the abutting residence at 1698 31st Street, NW. The type and quality of acoustic panels shall be industry standard for mitigating sound generated by the proposed office use.

Applicant's Proposed Conditions

Temporary Office Use

4. In order to mitigate parking impacts on the immediate neighborhood from the office use, the Applicant agrees to restrict the uses on the Property as provided in Paragraph 5 of this MOA and to limit parking for Employees to the off-street parking at the Property, within the Main Campus, and the Dumbarton Oaks' Fellowship House located at 1700 Wisconsin Avenue, NW. Employees shall not be permitted by the Applicant to use neighborhood on-street parking while the Property is occupied by the office use. Further, use of on-street parking for any visitors to the Property, including for repairs or service, shall be at a level that is typical for a residence in the immediate neighborhood. Parking required for major construction or renovation activities at the Property shall be included in a construction management plan, as discussed in Paragraph 13 of this MOA. Employees and visitors of the Property may not apply for a Residential Parking Permit or Visitors Parking Permit while the Property is occupied by the office use. The Applicant agrees to proactively communicate these parking restrictions to the Employees and all visitors of the Property.
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, or visitor ticket sales/pick-up for the Dumbarton Oaks public gardens.
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.
7. For the duration of the office use, the exterior of the building and the lawn shall be well maintained to the same standard as the Applicant's other non-campus properties. The aesthetics of the building shall demonstrate that the building is occupied and in use.

Applicant's Proposed Conditions

Housing for Dumbarton Oaks Scholars

8. In order to mitigate any potential noise from the use of the Property as housing for Dumbarton Oaks Scholars on the abutting residence, the Applicant agrees to remove the acoustic panels installed for the office use, and to install a soundwall at each level of the building along that portion of the southern facing wall that is shared with the abutting residence at 1698 31st Street, NW. The soundwall will be installed with the full renovation of the Property, and the soundwall material shall be Quiet Rock 545 or the same high quality industry standard to mitigate sound for the use of the Property as housing for Dumbarton Oaks Scholars.
9. The Property shall provide temporary housing accommodations for up to six (6) Dumbarton Oaks Scholars at one time.
10. In order to mitigate parking impacts on the immediate neighborhood, except for those with ADA needs, Dumbarton Oaks Scholars shall be prohibited from having an automobile while residing at the Property. Dumbarton Oaks Scholars with automobiles due to their ADA needs, shall use the off-street parking at the Property, within the Main Campus, or at the off-street parking facilities at the Fellowship House at 1700 Wisconsin Avenue, NW. Further, use of on-street parking for any visitors to the Property, including for repairs or service, shall be at a level that is typical for a residence in the immediate neighborhood. Dumbarton Oaks Scholars and their visitors may not apply for a Residential Parking Permit or Visitors Parking Permit. The Applicant agrees to proactively communicate these parking restrictions to Dumbarton Oaks Scholars and all visitors of the Property.
11. While the Property is used to house Dumbarton Oak scholars, Dumbarton Oaks shall not use the Property for parties, conferences, celebrations or similar functions, with the exception of dinners and small receptions for those Scholars housed at the Property, in a spirit typical of a residential neighborhood and not entertaining space for the range of Dumbarton Oaks Scholars housed beyond the Property. At no time will the Property be used for visitor ticket sales or ticket pick-up for the Dumbarton Oaks public gardens.

Applicant's Proposed Conditions

Community Collaboration

12. No later than the effective date of the BZA Order, Dumbarton Oaks shall identify an employee to serve as a community liaison. The community liaison shall be responsible for proactively engaging with the neighborhood stakeholders on issues related to the use and maintenance of the Property. While the Property is occupied with the office use, the community liaison will provide brief quarterly written updates to ANC 2E on the status of the renovations of the Property for housing Dumbarton Oaks Scholars.
13. Once the Applicant is ready to renovate the Property as housing for Dumbarton Oaks Scholars, Dumbarton Oaks shall enter into a construction management plan with ANC 2E relating to the renovation of the Property to address the usual issues such as off-street parking plans for contractors. ANC 2E recognizes that some on-street parking is necessary for the renovation of the Property, which will be addressed in the construction management plan.

Limitations on Special Exception Approval

14. The special exception approval under the Application is limited to office/administrative and housing as contemplated in the Education, College/University Use category in Subtitle B, Sec. 200.2(j) of the Zoning Regulations. No other use categories in Subtitle B, Sec. 200.2 or any other section of the Zoning Regulations shall be permitted on the Property. Moreover, no other uses will be pursued by the Applicant for this Property except for the two uses identified in this MOA.
15. In the event the Applicant desires to sell the Property, the Applicant agrees to file a request with the BZA that the approval of the special exception and area variance granted in the Application be terminated so that the special exception approval and area variance no longer run with the land. The Applicant's request must be granted by the BZA prior to the sale of the Property. The Applicant shall notify any prospective purchaser of the Property of this provision.

Compliance with Special Exception Standards of 11-U DCMR § 203.1(o)

1. **The building is . . . located within a [historic] district, site, area.**

Building is located within the Georgetown Historic District and was constructed in 1895, which falls within period of significance.

2. **The gross floor area of the building . . . is ten thousand square feet (10,000 sq. ft.) or greater.**

GFA is 8,060 sq. ft. in total. Application seeks an area variance.

3. **The use of existing residential buildings and land by nonprofit organization shall not adversely affect the use of the neighboring properties.**

The interim office use will be less intense than the matter of right residential use because limited to 4 employees and has limited hours/days of operation and number of employees. The use of the property as housing for Dumbarton Oaks Scholars will be limited to 6 people (same as matter of right residential use) and the Applicant proposes restrictions that limit the activity at the property to that typical of residential use.

Compliance with Special Exception Standards of 11-U DCMR § 203.1(o)

- 4. The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.**

Employees will not be permitted to park on the street. Dumbarton Oaks Scholars will not be permitted to have cars, with very limited exceptions.

- 5. No goods, chattel, wares . . . shall be created . . . or sold in the residential buildings.**

No goods, chattel, wares, or merchandise will be created, enhanced, or sold on the Property.

- 6. Any additions to the building or any major modifications . . . shall require approval of the BZA after review and recommendation by HPRB . . .**

The Applicant does not propose to construct any additions or undergo major modifications to the building's exterior.

Compliance with the General Special Exception Standards of 11-X DCMR § 901.2

Relief requested will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

There will be no changes to the footprint or the historic aesthetic of the building.

The office use will be temporary and limited in terms of number of employees, hours of operation and type of activity.

The use of the property as housing for Dumbarton Oaks Scholars is consistent with residential zoning.

Relief requested will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The proposed nonprofit use of the property will not generate excessive noise or traffic; and activities will be consistent with the surrounding residential uses.

The parties have agreed upon conditions aimed at mitigating any potential negative impacts and ensuring that nonprofit use of property is in keeping with the residential character of the neighborhood.

Compliance with the Area Variance Criteria of 11-X DCMR § 1000.1

- 1. The property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation.**

The Property is the only irregularly shaped lot in Square 1281. It is located at the intersection of R and 31st Street, NW, and consists of approx. 3,101 sq. ft.; which is substantially larger than the adjacent lots.

The Property is located directly across the street from Dumbarton Oaks Campus and was purchased to advance its mission.

It was vacant prior to the Applicant purchasing and is in need of significant repair and upgrades in order to be used for residential purposes. The estimated cost of the repairs and renovations is \$9.5 million.

OGB and CFA have granted concept approval for the exterior and interior renovations, repairs and improvements proposed by the Applicant for the residential use of the Property.

Compliance with the Area Variance **Criteria of 11-X DCMR § 1000.1**

- 2. The owner would encounter practical difficulties if the zoning regulations were strictly applied.**

No practical way for Dumbarton Oaks to expand the footprint of the building to comply with the Zoning Regulations w/o compromising historic structure.

- 3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

The residential aesthetic of the building will remain.

The nonprofit use of the building will not generate excessive noise or traffic.

The parties have agreed upon conditions aimed at mitigating any potential negative impacts and ensuring that the nonprofit use of the property is in keeping with the residential character of the neighborhood.

Applicant's Community Engagement

- **April 1**: Application filed.
- **April 2**: Applicant met with ANC 2E Chair Gwen Lohse and Commissioner Chao (SMD Rep.) to discuss the Application.
- **April 23**: Dumbarton Oaks virtual meeting with ANC 2E Chair Gwen Lohse and Commissioner Chao; ANC requested proposed conditions.
- **April 29**: 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.

Applicant's Community Engagement

- **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 31st 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.
- **Sept. 30**: Applicant attended ANC 2E meeting to discuss the Application and the terms of the memorandum of agreement. ANC 2E adopted a resolution in support of the Application.

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