

February 18, 2022

Chairman Fred Hill
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200-S
Washington, D.C. 20001

Re: **BZA Case No. 20658 – 1650 Harvard Street, N.W. (Square 2589, Lot 847)
(the “Property”) – Application for a Special Exception Relating to Roof
Structure Setbacks**

Dear Chairman Hill and Members of the Board:

Please accept for filing the enclosed supplemental filing of 1650 Harvard St NW Washington DC LLC (the “**Applicant**”) for special exception relief pursuant to 11 DCMR Subtitle C § 1506.1 from certain penthouse setback requirements to permit the renovation of the existing multifamily residential building and the construction of a new roof structure thereon (the “**Project**”).

The Applicant wishes to supplement the record with the additional information to allow for a more complete understanding of the timeline associated with the Project and the amended roof structure regulations, further details about the existing building itself, and additional justification relating to the standard of special exception relief pursuant to 11 DCMR Subtitle C § 1506.1.

Timing of the Project

As described in the statement of justification that accompanied the application submission, the Project involved a great deal of planning and coordination between the Applicant and the Harvard Hall Tenants Association at the Property. The entirety of the undertaking has spanned several years, with the initial concept germination and tenant association involvement beginning in the summer of 2018. As a result, the Project had significantly progressed, to include the entirety of the habitable roof structure currently proposed, by the time that the text amendments to the roof structure regulations (Z.C. Case No. 14-13E) were filed.

Below is an abbreviated timeline for the Project and how it relates to Z.C. Case No. 14-13E:

- **Mid-2018** – The Letter of Intent (LOI) to purchase the Property was signed by the Applicant and the then-owner of the Property. As the result of this step, the initial outreach relating to the Project began at this time.
- **November 2018** – Initial discussions between the Applicant and the Tenants Association regarding the Project began.
- **December 2018** – The purchase contract for the Property was signed by the Applicant and the then-owner of the Property.
- **November 2018-September 2019** – Negotiations between the Applicant and the Tenant Association progressed and successfully concluded with the execution of the Development Agreement.
- **September 2019** – The Development Agreement between the Tenants Association and the Applicant was executed.
- **November 2019** – The Property was purchased by the Applicant.
- **4th Quarter 2019-2nd Quarter 2020** – The Applicant engaged in significant systems and building assessments, as well as design development and coordination with tenants' specific unit designs. The Applicant began its detailed assessments of the building structure and systems on the Property shortly after the Development Agreement was signed and then proceeded into design development. This design development step involved working with each tenant to determine their specific unit layouts and designs. The principal barrier to filing for a permit earlier was the integration and inclusion of, and adjustment for, the interior design of each tenant's unit and their final unit selection, particularly tenants' requested locations of bathrooms and kitchens. This was a highly interactive, complicated process between the Applicant, the tenants, and the Tenants Association. This process also included the combination of units to ensure that new units were equal in size to the tenants' original units.
- **Q2 2020-Q2 2021** – The Applicant began and progressed through its construction drawing phase in order to prepare its building permit submission set. This was still an iterative process with tenant input and requests being made by tenants and incorporated throughout the process.
- **January 16, 2020** – The text amendment proposal to amend the roof structure regulations was filed by the Office of Planning, as Z.C. Case No. 14-13E. However, the text amendment did not progress for many months. The initial public hearing notice was published in October 2020 and several significant versions of proposed text amendments were filed into the record of the case. Over the course of the case, the proposed regulations were modified in multiple ways (although the roof structure setback text amendment proposals did not change during these iterations).
- **April 27, 2021** – The Project had a Preliminary Design Review Meeting (PDRM) with the District of Columbia Department of Consumer and Regulatory Affairs.
- **October 6, 2021** – The demolition permit for the Project was filed.
- **October 13, 2021** – The building alteration permit for the Project was filed.
- **November 24, 2021** – This Application was filed.

- **December 24, 2021** – Z.C. Order No. 14-13E was published in the D.C. Register, effectuating the one-to-one roof structure setback requirement at issue in this application.

As can be seen above, a great deal of planning and coordination between the Applicant and the Tenants Association, as well as related design work for the roof structure addition envelope currently proposed, took place before the introduction of the Z.C. Case No. 14-13E text amendment. In addition, the text amendment case itself did not progress for many months, so it could not have been clear to the Applicant and Tenant Association how the final relevant roof structure regulation would appear. As a result, it have been unreasonable to expect the Applicant to design the new habitable roof structure in accordance to regulations that were still subject to potential significant revision.

Basement and First Level Plans

Attached as Exhibit A to this filing, the Applicant hereby submits additional diagrams of the building on the Property. These diagrams illustrate the configurations of the basement and first levels of the building on the Property. These pages demonstrate that the building includes the same layout of the proposed habitable roof structure – including the location of the elevator shafts (and overrun) and stairways of the roof plan (shown on Exhibit B in red circles) – throughout the entirety of the building. As a result of the placement of these core building elements, and as the result of such elements carrying vertically for the entirety of the building, it would not be possible to move the roof structure’s proposed elevator override and the stairway into any other location on the roof plane.

As stated in the application’s statement of justification, the feasible locations for the building’s stairway are even more limited under the new Construction Code, which requires that egress stairwells reaching the roof structure must deposit users directly at the exterior of the building along Quarry Road. This egress requires that, in this case, the stairway along Quarry road is located closer to the exterior wall of the building.

As a result, the requested relief from the one-to-one setback requirement is necessary.

Additional Item

In addition, the Applicant will be submitting a contribution to the D.C. Housing Production Trust Fund for approximately \$309,379 relating to the habitable space within the roof structure.

Conclusion

We look forward to presenting this project and the request for relief to you on March 16, 2022 and appreciate your expedited scheduling of the hearing on such date.

If you have any questions, please do not hesitate to contact the undersigned at (202) 721-1132. Thank you for your attention to this application.

Sincerely,

/s/ Jeff Utz

/s/ Jennifer Bisgaier

Enclosures

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document were delivered by first-class mail, hand delivery, and/or email to the following addresses on February 18, 2022.

Stephen Cochran
Office of Planning
stephen.cochran@dc.gov

Aaron Zimmerman
District Department of Transportation
aaron.zimmerman@dc.gov

ANC 1C
1C@anc.dc.gov

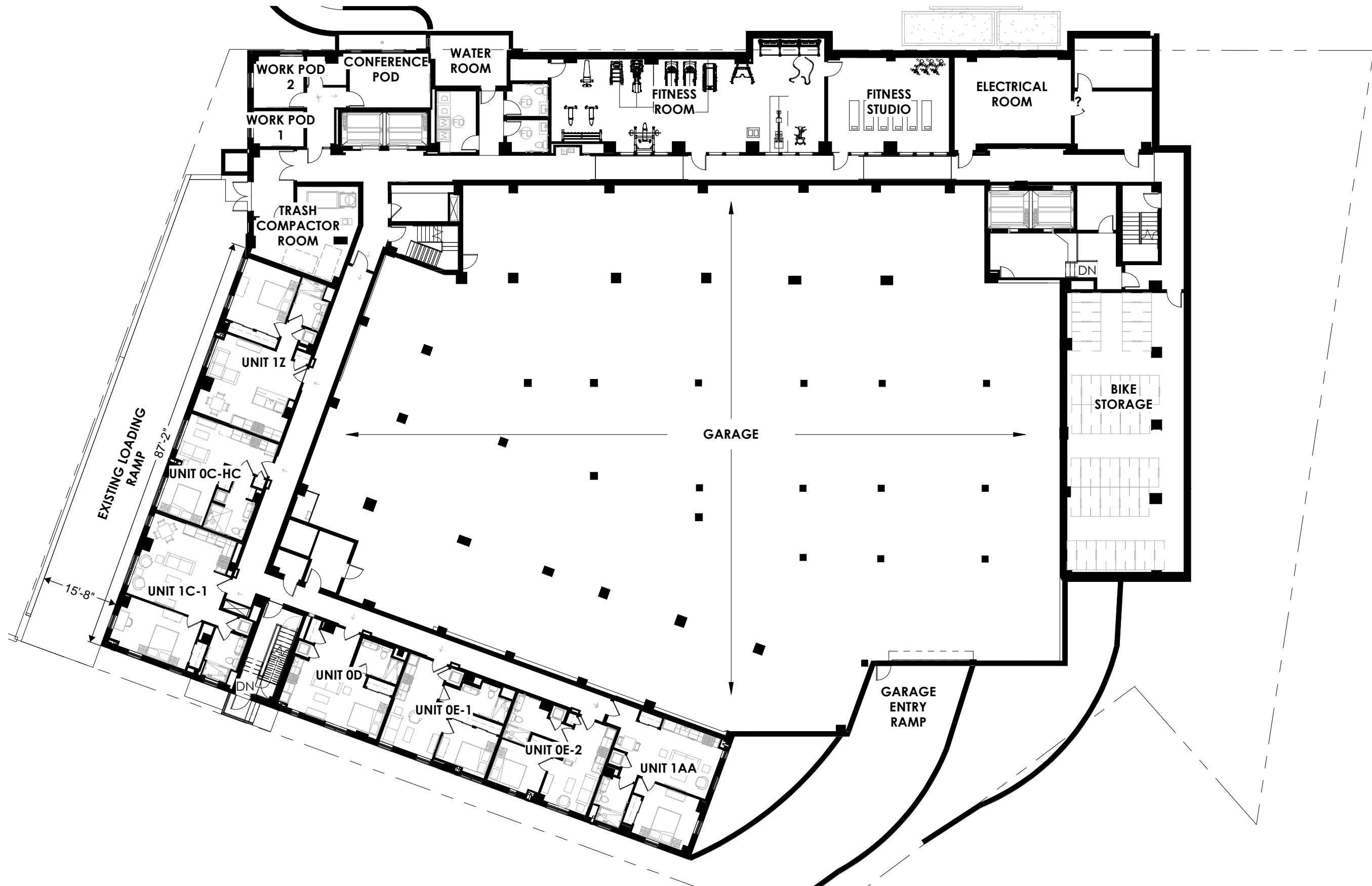
ANC 1C05
1C05@anc.dc.gov

ANC 1D
1D@anc.dc.gov

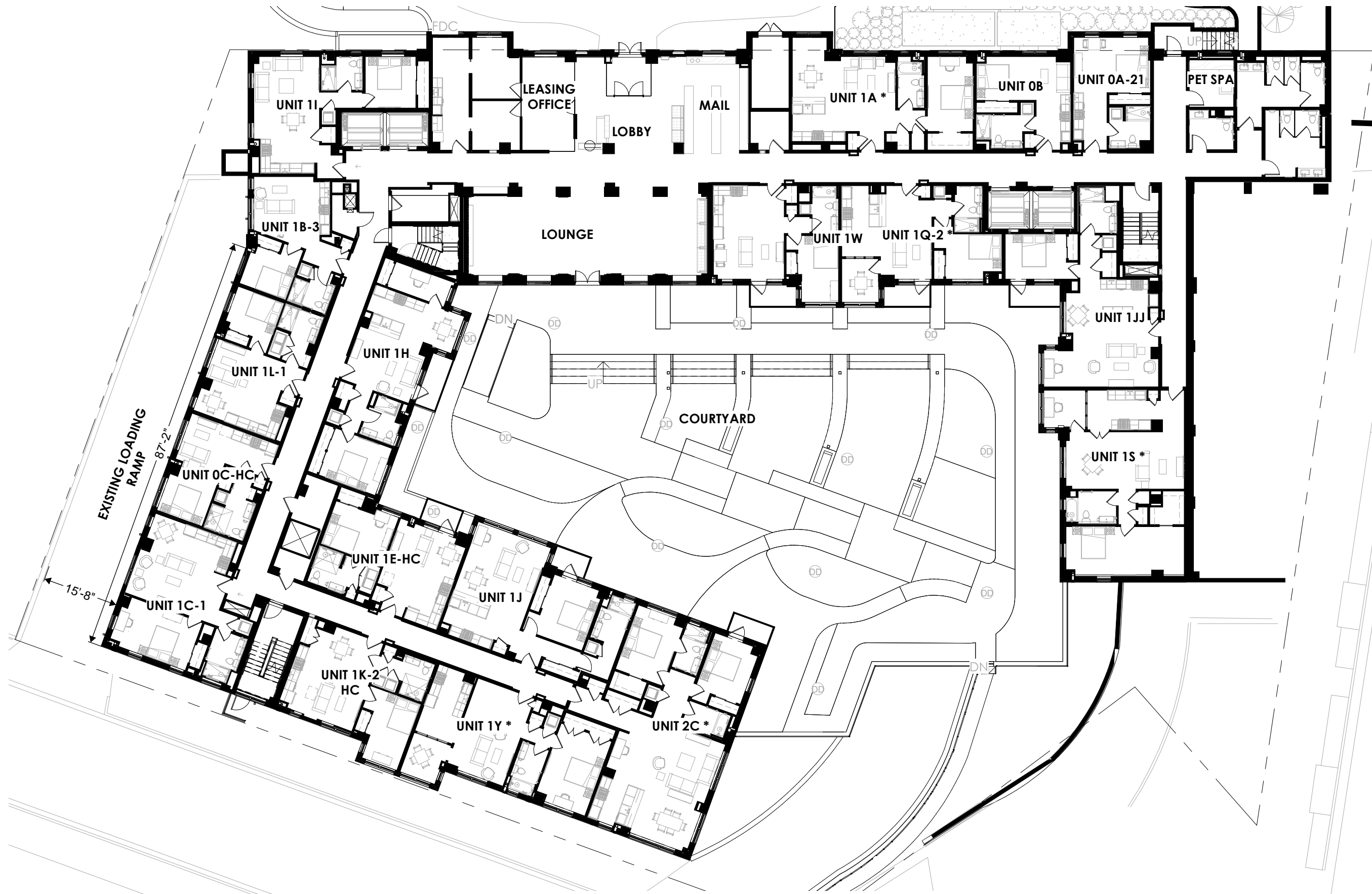
ANC 1D05
1D05@anc.dc.gov

/s/ Jennifer M. Bisgaier

Exhibit A

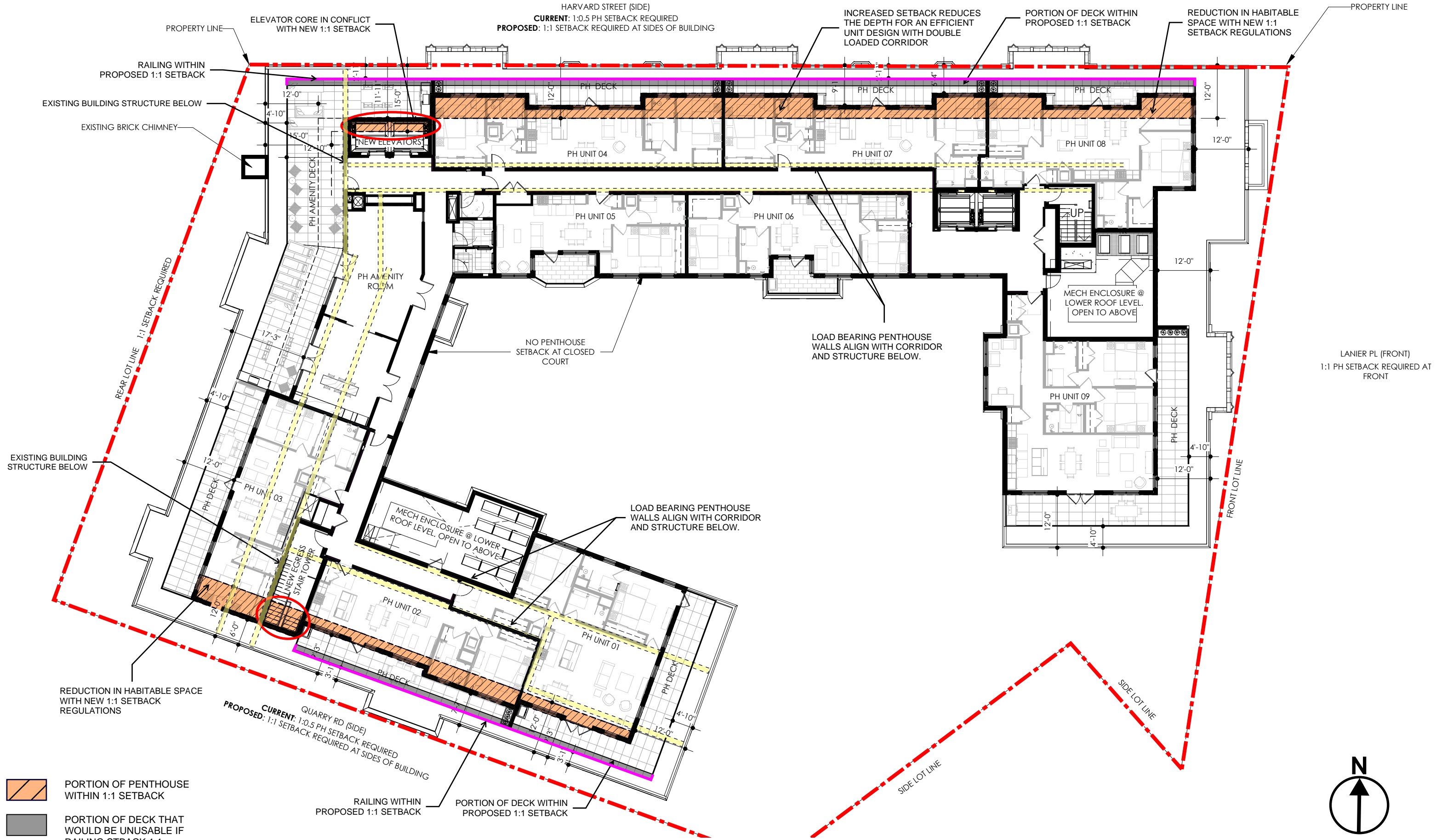


PROPOSED BASEMENT PLAN



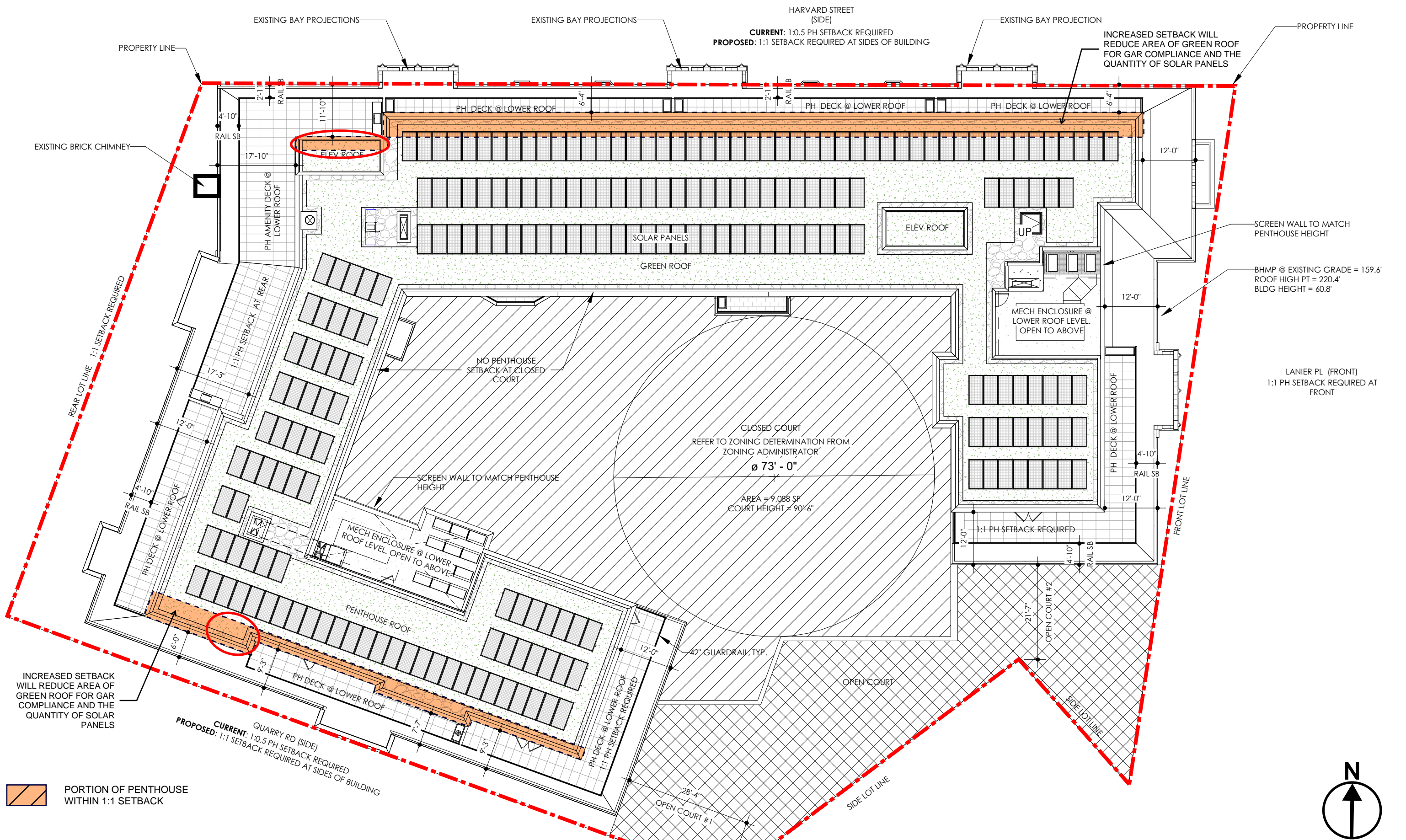
PROPOSED FIRST FLOOR PLAN

Exhibit B



PROPOSED PENTHOUSE FLOORPLAN

HARVARD HALL APARTMENTS
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PROPOSED PENTHOUSE ROOF PLAN

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 SCALE 1" = 20'

PORTION OF PENTHOUSE WITHIN 1:1 SETBACK



1650 HARVARD ST NW
 WASHINGTON DC 20009

HARVARD HALL APARTMENTS
 BZA SUBMISSION
 11/15/2021

