

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18604 of Halcyon Georgetown LLC, pursuant to 11 DCMR § 3104.1, for a special exception to establish a non-profit organization under § 217, in the R-3 District at premises 3400 – 3410 Prospect Street, N.W. (Square 1204, Lot 63).

HEARING DATE: September 10, 2013
DECISION DATE: September 10, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E initially submitted a report expressing concerns about the application. (Exhibit 26.) However, after further discussions with the Applicant, the ANC withdrew its initial objection and expressed conditional support for the application. (Exhibit 30.)

The Office of Planning (“OP”) submitted a report recommending approval of the application with conditions. (Exhibit 29.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 217. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 217, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that

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granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIVE (5) YEARS** from the final date of the order.
2. The Property shall be used only for a 501(c)(3) nonprofit organization focused on the fields of fine arts, cultural understanding, global resilience (including the fields of science, technology, business, innovation and emergency response), and medical or pharmaceutical research.
3. A maximum of twelve (12) nonprofit employees may work on-site.
4. The hours of operation shall be as follows:

a. Non-profit offices:

Monday through Friday, 7:00 a.m. to 8:00 p.m., with hours extended daily and on the weekends as required for the non-profit's use.

b. Events at the S&R Foundation:

Monday through Thursday, 10:00 a.m. to 4:00 p.m.; 7:00 p.m. to 10:00 p.m.
Friday and Sunday, 10:00 a.m. to 11:00 p.m.
Saturday, 9:00 a.m. to 11:00 p.m.

c. International Institute for Global Resilience (IIGR) Research Program:

Up to twelve (12) weeks annually between June 1 and August 31

d. Incubator:

Up to nine months annually between September 1 and May 31

5. The maximum number of events per year shall be as follows:

Event Type	Participants	Maximum No. of Events
International Institute for Global Resilience (educational events)	1-20	24
	21-50	16
International Institute for Global Resilience Research Program	8	1

(cont.) Event Type	Participants	Maximum No. of Events
Illuminate (Incubator)	1-4 per project	2-4 projects
S&R Foundation Events (including Illuminate Speaker Series, Illuminate conferences and seminars, other educational conferences, seminars, and events pursuant to the Foundation’s missions, and three civic/fundraising events)	1-50	12
	51-100	12
	101-200	8
	201-350	3
Total (excl. residency programs)		75

6. The Applicant shall adhere to the following guidelines when scheduling an event with more than 200 guests:
 - a. The event shall be scheduled coincident with any period in which Georgetown University Academic Calendar reflects a holiday recess during the months of September to May, or during the months of June through August.
 - b. The event shall be scheduled on a Saturday or Sunday.
 - c. The events with more than 200 guests must end no later than 11:00 p.m. and no vendor loading or pick-up may occur after 10:00 p.m. or before 10:00 a.m.

7. The Applicant shall minimize traffic and noise impacts by employing the following measures:
 - a. The Applicant shall maintain an adequate supply of furnishings for events, such as tables and chairs, to preclude noisy unloading and loading of furnishings;
 - b. The Applicant shall create a turn-around in the rear parking area prior to holding the first event at the Property, but not before opening the nonprofit offices;
 - c. All guests shall be informed in advance of the parking policies and operations for events as follows:
 1. For events with forty (40) or fewer guests the Applicant’s staff or a valet company may park guests’ vehicles in the rear parking court;
 2. For any events with more than forty (40) guests but fewer than 150 guests, the guests shall be directed to utilize complementary valet parking with unloading and loading on Prospect Street, and the valet company shall utilize satellite parking lots, with priority given to satellite lots on the north side of M Street, NW and west of Wisconsin Avenue, NW;

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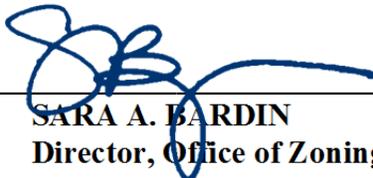
3. For events with more than 150 guests, the valet company shall provide shuttle van service from the satellite parking lot to the Property, with loading and unloading of the shuttle vans to occur at the Property along Prospect Street with valet assistance.
 4. The Applicant shall submit an application(s) to establish a valet parking zone in front of Halcyon House along Prospect Street for event days, as needed pursuant to these Conditions.
 5. Passenger vans used in connection with an event shall be no larger than approximately 20-feet in length.
- d. The Applicant shall inform all vendors of the parking policies and operations for events as follows:
1. Vendor unloading and loading may occur daily between the hours of 10:00 a.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.
 2. Noisy vendor breakdown and loading shall occur before 10:00 p.m. or shall take place on the following business day between the hours of 10:00 p.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.
 3. Vendors using vans under 20 feet in length shall be directed to utilize the rear parking court off of 34th Street, or the townhouse lot for loading and unloading purposes. Loading by vehicles over 20 feet in length shall not be permitted at the rear of the Subject Property and would only be permitted in designated areas along Prospect Street.
 4. For the three annual events with more than 200 people, vendors may utilize the rear parking court Monday through Sunday between the hours of 10:00 a.m. and 4:00 p.m., and 7:00 p.m. to 10:00 p.m.
 5. Trucks associated with noisy vendor breakdown and loading shall depart the Property before 10:00 p.m.
 6. Valets and other staff associated with events, including, cooks, caterers, and janitors, and the like, shall leave the Property within two hours after the event concludes but in any event, before 12:00 a.m.
 7. Vendors used in connection with an event shall be instructed that idling in the neighborhood is prohibited.
- e. The Applicant shall provide monitoring and oversight of the valet operations for an event of between 100 and 200 guests, and for an event of over 200 guests, including information regarding the number of guests, valet queues, capacity and usage of parking facilities utilized for the event, the total number of valet staff operating the valet stand (as needed), and number of cars parked by valet. A report shall be submitted annually with the DDOT Policy and Planning Staff to review parking and traffic issues, and the Applicant shall take appropriate corrective measures, as necessary.

- f. Employees shall park on-site in the rear parking court.
 - g. The Applicant shall utilize satellite parking facilities north of M Street NW and west of Wisconsin Avenue, NW.
 - h. Resident participants in the IIGR Research Program and Illuminate Incubator with cars shall be prohibited from parking on-site and shall provide evidence to the Foundation of parking in off-street locations.
- 8. Attendees at IIGR events may reside on-site for the duration of the meeting and/or seminar.
 - 9. Resident participants in the International Institute for Global Resilience Research Program shall be permitted to reside and research at the Property for periods up to twelve weeks during the months of June through August.
 - 10. Resident participants in the Illuminate Incubator shall be permitted to reside and work at the Property for periods up to nine months during the months of September through May.
 - 11. No amplified music shall be permitted on the outside grounds of the Subject Property.
 - 12. The Applicant shall establish a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Halcyon House. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.

VOTE: 4-0-1 (Lloyd J. Jordan, Peter G. May, S. Kathryn Allen, and Jeffrey L. Hinkle to Approve; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A Majority of the Board members approved the issuance of this order.

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: September 18, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

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WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.