

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of the S&R Foundation

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background

The S&R Foundation (the "Foundation" or "Applicant") proposes to establish a non-profit organization use at Evermay, located at 1623 28th Street, NW, Washington, DC (Square 1285, Lot 815) ("Property"). Founded in 2000, the purposes of the S&R Foundation ("Foundation") were focused on the fields of the arts, cultural understanding, as well as medical and pharmaceutical research. In 2011, after witnessing, and in some cases, experiencing, the world-wide effects of earthquakes, tsunamis and hurricanes, the Foundation's Board of Directors expanded the Foundation's purposes to include the exchange of knowledge regarding such catastrophes, including recommendations for appropriate response to, and management of, emergency hazards. The more specific purposes of the Foundation, as listed in the Articles of Incorporation, as amended, are:

- (1) To operate exclusively for charitable, scientific, literary or educational purposes;
- (2) To provide scholarships and financial support to medical students and students pursuing health care service related degrees;
- (3) To provide grants for research in the medical field and pharmaceutical field;
- (4) To encourage and support young artists with an emphasis on young artists whose activities take place in both the United States and Japan or whose specialties contribute to mutual understanding between the two countries;
- (5) To enhance and promote cultural exchange between the United States and Japan, with the intention of fostering mutual understanding;
- (6) To encourage the exchange of knowledge, information, and ideas between the United States, Japan, and countries in the Asia/Oceania Region regarding emergency management of hazard risks that cause disasters or catastrophes, whether the hazard risks are naturally occurring or human-made;
- (7) To provide high quality, independent research, innovation, and practical recommendations for emergency management of hazard risks;
- (8) To advance global resilience by disseminating to countries and non-governmental organizations best practices for structural and nonstructural

measures to prepare for, protect against, respond to, recover from, and mitigate all hazard risks.

Since 2001 the Foundation has funded two on-going awards, one in the field of fine arts and the other in the fields of health care-related sciences. The fine arts awards is given annually to one or more talented young artists in the fields of music, drama, dance, photography or film. Since the Foundation was organized, 31 artists have benefitted from the grants, with some having debuts at the Kennedy Center, Carnegie Hall, and recitals with the Washington Conservatory of Music. Locally, the Foundation has also lent its support to the Textile Museum, Washington Ballet, and Young Concert Artists, among others. The other award is intended to support medical and pharmaceutical research and is generally given to the institution in which the research is performed. As example, recipients have included the University of Maryland School of Medicine, the Medical College of Wisconsin, Emory University and the University of California at Los Angeles.

Pursuant to approval of the special exception, the Foundation intends to locate its offices at Evermay, conduct its business operations and hold associated Foundation events there, as well. A small number of participants at the Fellows meetings (as described below) may stay overnight at Evermay and the owners of the Property will maintain dwelling quarters there. Most importantly, Evermay *will not* be used as a rental venue, rather, proposed events fall into one of three categories:

A. Concerts and exhibits - generally these events will be held year-round, to showcase the artists to whom the Foundation has awarded grants (past, present and future), as well as for other intended beneficiary organizations, as listed above. Some of the concerts would be considered fund-raising opportunities, including the Foundation's annual fund-raising dinner/concert showcasing the past year's award winners. Generally these events will be small, meaning, 50 or fewer attendees, although some events could attract more concert-goers, or exhibits more visitors. The Foundation anticipates that only one event - the annual dinner/concert - would include more than 150 guests.

B. Fellows meetings - these events are intended to gather scholars, scientists, and the like, to further the exchange and dissemination of information related to the emergency management of hazard risks. As implied, the "fellows" would be professionals with significant levels of experience and leadership in hazard-related fields. The fellows meeting events would run throughout the year, Monday through Friday, during normal business hours. The majority of the meetings would be attended by 10-20 participants, although the occasional meeting might be attended by more fellows (but no more than 50), and then, only for one to two days.

C. Private Events - The Foundation will also host a limited number private events in support of its mission. For instance, in the Spring of 2012, the Applicant anticipates holding two receptions in conjunction with the 100th anniversary of the Cherry Blossom Festival. Such an event furthers the Foundation's goals of cultural exchange between the United States and Japan.

II. Relief Requested

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The R-1-B district permits non-profit organization use through special exception relief. In order for the Foundation to locate its offices at Evermay, it must first seek special exception relief under section 217 of the Zoning Regulations. The Foundation meets the requirements for special exception approval under Sections 217 and 3104 as follows:

III. Special Exception

Section 217 of the Zoning Regulations provides that the Board of Zoning Adjustment may grant special exception relief from the R-1-B regulations, subject to the following requirements:

A. 217.1: *(a) If the building is listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101(a) of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a), or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and (b) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 ft.²) or greater.*

Evermay was built in 1801-1802 and is listed in both the D.C. Inventory of Historic Sites, and in the National Register of Historic Places, as an individual historic landmark. Additionally, the gross floor area of the main building, not including other buildings on the lot, is 10,110 square feet of gross floor area. The main building also contains 5,182 square feet of cellar space. The Gate House, adjacent to the formal entrance to the Property, contains 2,285 square feet of floor area, and the former domestic quarters contain 1,252 square feet of floor area.

B. Section 217.2: *Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties.*

The use of the existing buildings and land by the Foundation will not adversely affect the use of neighboring properties. No more than nine Foundation employees will have offices at Evermay and the grounds provide more than adequate parking for the employees. Most activities will occur during business hours, Monday through Friday, 9 a.m. to 6 p.m. The private events that the Foundation intends to host in the evening are limited in number, hours and attendees to ensure that the quiet enjoyment of neighboring properties is not disrupted. The majority of Foundation events will be attended by fewer than 50 persons and frequently, less than 25. Significantly, Evermay *will not* be rented out as a wedding or special events venue. Consequently, the Foundation will have strict control over its private concerts, exhibitions and private functions. Public and private events have historically been held at Evermay over the past 80 years. The Foundation has met with the immediate neighbors and has committed to implement a comprehensive list of requirements and protocols to minimize external effects.

C. Section 217.3: The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

The amount and arrangement of parking spaces will be adequate and located to minimize traffic impact on the adjacent neighborhood. There is adequate space on-site to park approximately 100 cars. The Applicant has commissioned a traffic study and will follow recommendations therein to minimize traffic impacts in the neighborhood. Because the majority of Foundation events will be attended by fewer than 50 persons and frequently, less than 25, any vehicles driven to the site can easily be accommodated on the property. Many people who attend events will be from outside of the Washington, DC area, and are not expected to arrive by personal cars and thus will not place any demand for on street parking. The few groups coming to the site by multi-passenger vehicles will be required to use vans that can easily enter the site for loading and unloading of passengers. All deliveries will occur on-site subject to guidelines setting forth a strict set of procedures and delivery times. A copy of those guidelines will be forwarded well in advance of the pre-hearing submission.

D. Section 217.4: No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization.

No goods, chattel, wares or merchandise will be commercially created, exchanged or sold in the residential building or on the land by the Foundation, except for the possible sale of publications, materials, or other items related to the purposes of the Foundation.

E. Section 217.5: Any additions to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board.

There will be no additions to the buildings or any major modifications to the exterior of the buildings, or to the site, associated with the Foundation's use. A minor accessory, free-standing garage will be constructed on the property. The design for the garage has been submitted to the Old Georgetown Board for review, and concept approval is anticipated prior to any hearing on this application.

F. Section 3104.1: The Board is authorized ... to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The very purpose of Section 217 is to allow large historic properties such as Evermay to be used for non-profit organization purposes, subject to review by this Board.

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IV. Conclusion

Pursuant to section 3113.8 of the Zoning Regulations, the Foundation will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. Through the Foundation's written statement, and through testimony and evidence presented at the public hearing, the Foundation will further demonstrate how it meets its burden of proof to obtain the Board's approval of the requested relief.

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