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

Application of the S&R Foundation

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The S&R Foundation (the "Foundation" or "Applicant") proposes to establish a nonprofit organization use at Halcyon House, located at 3400 Prospect Street, NW, Washington, DC (Lot 814, Square 1204) ("Property"). The S&R Foundation is a familiar face to the City, having relocated its headquarters in 2012 to historic Evermay in Georgetown pursuant to BZA Order No. 18315 ("Evermay Application").

Founded in 2000, the Foundation is dedicated to promoting the arts, sciences, cultural understanding, and global resilience. The 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,

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- (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

To implement its purposes, the Foundation manages four programs:

- (1) *Award Program* targets the arts and sciences. First, the S&R Foundation Washington Award is presented annually to emerging artists. The award winners are featured in a program at Evermay and past award winners are frequently featured artists at the Overtures Concert Series. Second, the Ryuji Ueno Award for Ion Channels or Barrier Function Research, established in partnership with the American Physiological Society, is presented annually to a young scientist focused on health-care related sciences
- (2) *Showcase Program* features the highly successful Overtures Concert Series
- (3) *Fellow Program* sponsors the Global Leadership Program in collaboration with universities, providing upper-level undergraduate and graduate students exposures to corporate leaders
- (4) *Social Investment Program* focuses on global resilience through an international perspective, and specifically, through the International Institute of Global Resilience ("IIGR") and Illuminate

Since the Evermay Application was approved, the Foundation has placed particular emphasis on the Showcase Program, the performing arts component. To that end, the Evermay mansion was refurbished and in July 2012, Evermay became the primary performance venue for the highly successful Overtures concert series. Over the past few months, many Washingtonians have enjoyed sold-out performances by world-class artists in the intimate Evermay ballroom setting. In 2013, the Overtures Concert Series at Evermay is scheduled for the spring, summer and holiday seasons.

Additionally, in 2012 the Foundation presented its annual Washington Award to four young artists – a composer, dancer, violinist, and pianist. The Ryuji Ueno Award was presented to a medical researcher at the University of Chicago. Past winners of this award included researchers at the University of Maryland School of Medicine, the Medical College of Wisconsin, Emory University, Johns Hopkins University and the University of California at Los Angeles.

Beginning in 2010, the world observed, and particularly, Japan and the United States experienced, the ravaging effects upon millions from earthquakes, tsunamis and hurricanes. In

Halcyon House Special Exception

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response, in 2011 the Foundation's Board of Directors expanded its purposes to include the exchange of knowledge regarding global resilience. To accomplish these goals the Foundation developed two programs. The first program is IIGR, designed to study and make recommendations for appropriate response to, and management of, emergency hazards, albeit natural or man-made. Most recently, the Foundation developed Illuminate, the social investment component of its global resilience effort. Illuminate is designed to provide a platform for inspiration and innovation, nurturing efforts to spark positive changes in the world. It is both IIGR and Illuminate that the Foundation wishes to headquarter at Halcyon House.

Halcyon House is well-suited to the purposes the Foundation proposes in terms of size and historical uses. Since its construction in 1787, the Federal-style house has undergone numerous additions and alterations, resulting in a vast array of room types, sizes, shapes, orientation and configurations. The unusual layout of the house lends itself well to the variety of the Foundation's endeavors. Originally, the Federal-style house faced the Potomac River. During the period beginning in 1900 and continuing through the 1930's, the house was encased and added onto, resulting in the large, Palladian style structure that now fronts onto Prospect Street. In the 1960s, the property was purchased by Georgetown University and turned into dormitories. Subsequently, the former owner added a library on the 4th floor of the main house and constructed a 9,000 square foot studio under the house. A townhouse containing 2,900 square foot adjoins a party wall, and combined, these improvements exceed 26,000 square feet, offering multiple settings for Foundation events.

As the proposed headquarters for IIGR and Illuminate, Halcyon will serve as a center for global resilience, and a gathering place for international experts, scholars, scientists, entrepreneurs and innovators. IIGR is committed to furthering the exchange and dissemination of information related to emergency management, stretching from the neighborhood to the world. The participants, or "fellows", would be professionals with significant levels of experience and leadership in emergency management-related fields. IIGR activities will include, but not necessarily be limited to, educational sessions, seminars and retreats. It is contemplated that activities will run throughout the year, on a varied schedule, Monday through Sunday. Most meetings will be attended by 10-20 participants, although the occasional meeting might be attended by more participants. Because the program is internationally based, many, if not most, participants will come from outside the Washington, DC area, and more likely, the United States. Therefore, some IIGR participants will stay at Halcyon, either in the main house, townhouse, or the nine attached apartments.

Simultaneously, Illuminate will provide a platform for innovators and entrepreneurs akin to an incubator, where ideas can be expressed, developed and launched. This social science prong of the global resilience effort will provide a limited number of emerging entrepreneurs a base of operations for up to six months, where they may live, work and collaborate to form and begin development of start-up entities that provide unique societal benefits. Through Illuminate, the Foundation also will host a lecture series where speakers with forward-thinking ideas may convey their thoughts to similar minded audiences.

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As the Foundation develops new programs (Illuminate and IIGR) and expands existing ones, pressures on Evermay to host events are growing. Therefore, the Foundation contemplates hosting fund-raising events in support of its missions at Halcyon. This use is the most similar to the former owner's event venue operations at Halcyon. However, unlike the past events, the number, attendees, hours and days of events related to the Foundation will be limited by conditions as part of any special exception approval. Events would be scheduled so that attendees would arrive and depart outside of peak traffic hours, and under conditions that do not impact surrounding residents.

Finally, Halcyon House provides an ideal venue for corporations sharing the Foundation's goals to host corporate events, meetings and retreats. These uses would be restricted as to attendees, and also scheduled so that attendees also would arrive and depart outside of peak traffic hours.

II. Relief Requested

The R-3 district permits non-profit organization use through special exception relief. In order for the Foundation to base the IIGR and Illuminate programs at Halcyon House, 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 set forth below.

III. Special Exception

Section 217 of the Zoning Regulations provides that the Board of Zoning Adjustment may grant special exception relief from the R-3 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.*

Halcyon House was built in 1789 and is listed in the D C. Inventory of Historic Sites. The original house was constructed for Benjamin Stoddert, a shipping magnate who served as the first secretary of the Navy. Additionally, the gross floor area of the main building, not including the townhouse, but including the studio and apartments, is 23,400 square feet of gross floor area. When the townhouse is combined, the total gross floor area is 26,300 square feet.

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

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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 Halcyon and there is sufficient parking on-site for 15 cars. Most activities will occur during business hours, Monday through Friday, 9 a.m. to 6 p.m. Evening events the Foundation intends to host will be limited in number, hours and attendees to ensure that the quiet enjoyment of neighboring properties is not disrupted. IIGR is intended as the primary use at Halcyon House, and the majority of IIGR events will be attended by fewer than 50 persons and frequently, less than 25. Also, during any event, it is anticipated several IIGR participants will stay at Halcyon, mitigating any external effects.

Public and private events historically have occurred at Halcyon House over the past years without zoning approval. As it did with the Evermay Application, the Foundation extended invitations to neighbors within the approximate 200' radius to meet the owners and learn about the Foundation's intended uses at Halcyon. And as it also did with the Evermay Application, the Foundation has committed to implement a comprehensive list of requirements and protocols to minimize external effects.

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

On-site parking at Halcyon House is limited to approximately 15 cars. The Applicant has commissioned traffic and parking study and will follow recommendations therein to minimize traffic impacts in the neighborhood. Most people who attend IIGR 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-site or on-street parking. Furthermore, the number of Illuminate entrepreneurs will be limited and will not create parking impacts as they will live and work at Halcyon.

The few groups over 50 people coming to the site will be restricted as to arrival and departure times and, as needed, directed to off-site parking lots with shuttle service. 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.

C. 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 benefitting, or related to, the purposes of the Foundation.

D. 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 Halcyon mansion or any major modifications to the exterior of the buildings, associated with the Foundation's use. Currently, all of the improvements - mansion, apartments, detached townhouse, swimming pool, and a structure used as a garden shed by the prior owner – are located on one tax lot per the District of Columbia's Surveyor's Office and the Office of Tax and Revenue records.

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E. 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 Halcyon House to be used for nonprofit organization purposes, subject to review by this Board.

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.