GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman
Director

**DATE:** January 18, 2004

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D.C. OFFICE OF ZONING
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**SUBJECT:** BZA Application 17229

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**APPLICATION**
Hillwood Museum and Gardens, the Applicant, seeks to modify current conditions associated with a use variance established by the Board of Zoning Adjustment (BZA) in Order No. 16019 on property located at 4155 Linnean Avenue, N.W. (Square 2245 Lot 800) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

After submitting this application, the Applicant requested that the BZA reschedule the public hearing originally planned for November 9, 2004, to allow time for negotiations with surrounding neighbors within 200 feet. The table in Exhibit 2 lists the current conditions associated with the BZA Final Order for Application No. 16019, the original proposed set of changes, and the current change requests that reflect the completed negotiations.

**SUMMARY RECOMMENDATION**
The Office of Planning cannot make a recommendation at this time, pending receipt of D.C. Department of Transportation (DDOT) analysis needed to confirm no adverse traffic impacts from the proposed changes. Staff will submit a supplemental report after receipt of the requested information.

**SITE AND AREA DESCRIPTION**
The subject property is a large 22.97-acre (1,000,649 square foot) tract of land located northwest of Linnean Avenue, N.W. The Georgian Mansion, visitor center, other buildings, and parking structure onsite form the Hillwood Museum and Gardens campus. The Museum property is the repository of the Majorie Merriweather Post's collection of 18th century art from France and Imperial Russia. The hilly, heavily forested terrain generally screens the neighboring properties from the campus and activities on-site. Vehicular ingress/egress into the fenced property is via two gated entrances with guardhouses along Linnean Avenue, N.W. The parking capacity of the Museum property along interior service roads, open parking areas, and in the parking structure is approximately 125 spaces.

BZA
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Board of Zoning Adjustment
District of Columbia
CASE NO. 17229
EXHIBIT NO. 36

Rock Creek Park surrounds the northeast, east and southeast property borders. Single-family dwellings on large lots surround the property to the northwest and southwest across Linnean Avenue, N.W. Other institutional uses occupy properties further west across Upton Street, N.W. The subject property and lots to the northwest and southwest are within a R-1-A zone district. Federal parklands to the east, northeast and southeast are unzoned (please refer to Exhibit 1).

This property has been subject of a number of previous zoning actions:

- On April 15, 1977, the BZA approved Application No. 12297 requesting a use variance to establish a museum on the subject property within a R-1-A zone district. Among the conditions, the approval was limited to 5 years.

- On April 12, 1982, the BZA approved Application No. 13668 making the use variance permanent for the operation of the Hillwood Museum on-site, and authorizing construction to house Indian artifacts and a tearoom/gift shop (this approval was subject to 8 conditions).

- On December 3, 1984, the BZA approved Application No. 14165, further modifying the use variance to authorize construction a gardener's staff facility and an addition to an accessory building.

- On January 27, 1988, the BZA approved Application No. 14735, further modifying the use variance to allow construction of additions to the library and gift shop (associated construction plans were later modified).

- On March 1, 1995, the BZA approved Application No. 16019 further modifying the use variance to allow additions to and modifications of existing structures, and modification of conditions of previous Board orders. The Board subsequently approved modifications of approved construction plans.

**APPLICANT'S PROPOSAL**

The Statement of Existing and Intended Use indicates the Applicant would like to modify many of the 19 conditions (consolidated into 14 conditions in the Statement) that currently govern Museum operations. This application does not include any request for authorization to undertake additional construction.

**EXISTING ZONING AND RELIEF REQUESTED**

The site is in a R-1-A zone district that does not allow the existing museum land use. Museum uses are not allowed as a matter-of-right until the R-4 zone district under Section 330.5. The existing museum is a permitted use only in accordance with the use variance approved in 1977 and made permanent in 1982. Succeeding Final Orders modified and expanded earlier approvals.

Standards for BZA approval require that circumstances surrounding a use variance request be "unique," and that the usual application of the referenced regulations would result in

"exceptional and undue hardship" to the property owner. The Statement of the Burden of Proof explains that this application "... only seeks modifications to (Hillwood Museum) operating conditions established in prior (BZA) cases and requests no new construction. It continues that since the approved variance "runs with the land", "... an Applicant is not required to reestablish the basis for granting the underlying use variance each time a change is sought." Instead, they must, "...address only the third part of the variance test regarding impact."

Representatives of the Office of the Attorney General concurred with this assessment in response to an OP inquiry.

**ANALYSIS**

In light of the above assessment, the OP analysis will summarize proposed changes, and consider the relative anticipated impact of proposed changes in the existing condition on the surrounding neighborhood.

Summary of Changes

The current proposal would change all but three of the existing conditions involving the duration of evening educational activities (#6 in the consolidated list), the provision of museum security (#13) and directing all visitors to exit museum property toward Tilden Street (#15). The most significant changes would be to:

- Establish visitor limitations in terms of the number of vehicles instead numbers of individuals;
- Place limitations on the number of vehicles admitted to the site in the morning and afternoon; and
- Limit on-site parking to 110 vehicles and 2 (tour) buses at anytime.

The Applicant seeks a change to a vehicle count to increase the potential visitor while keeping the potential number of vehicles entering and leaving about the same. Other changes would authorize arrangements for overflow parking for Museum events at "neighboring" institution up to four times a year (#4), allow amplified music and speech that cannot be heard offsite (#10), and clarify the make-up of the liaison committee (#11). Note that the last condition, requiring "All construction equipment, supplies and parking shall be located within the boundaries of the applicant's site" (#19 in the Order), is not in the consolidated list.

The final negotiated changes reflect Applicant concessions on the original proposal in terms of the maximum number of vehicles (125) and buses (unlimited) allowed on-site at any time, and the relative increase in the number of evening educational events held annually. The Applicant also agreed to continue not renting of the facilities to outside groups – the original proposal would have made the facility available to unrelated groups and individuals. Neighboring property owners also agreed to increases in Sunday events, educational events, and the change from a person count to a vehicle count of visitors.

Overall, the Office of Planning thinks the negotiated conditions are more specific and easier to implement. Given the proposed limits, it does not appear that the anticipated modest increase in

on-site visitors would be evident beyond the property boundaries. The determining factor would anticipate changes in traffic circulation and frequency. OP does thinks that elimination of condition #19 of Order No. 16019 could have a significant impact on the surrounding neighborhood, and that it should be retained as approved.

Beyond these conditions, the Applicant and neighboring property owners have drafted a Neighborhood Cooperation Agreement that also requires the Museum to:

- Take reasonable measures to ensure that employees and visitors do not park in adjacent streets;
- Implement measures to reduce the vehicle queue to enter the site from Linnean Avenue, and not allow a queue of more than one bus at a time;
- Agree to arbitration as an option primarily to resolve unsettled disputes not covered by the BZA Final Orders (or covered by Orders with Applicant approval); and
- Not request additional changes to operating conditions for 10 years without the agreement of all but one of the households that signed the Neighborhood Cooperation Agreement.

Note that to date this Neighborhood Cooperation Agreement has not been signed.

Transportation Impacts

The consulting firm of Wells & Associates LLC was commissioned by the Applicant to conduct traffic and parking counts on a typical weekday, and a Saturday during Fall 2003 and Spring 2004. The purposes of this study were to: (1) document Hillwood Museum's current traffic and parking impact; and (2) evaluate the traffic and parking impacts of the original proposed attendance increases (125 vehicles and unlimited buses) on the surrounding neighborhood. Principal conclusions of this study were that:

- The Museum had no adverse traffic impacts on survey days: Linnean Avenue, the Tilden Street/Linnean Avenue intersection, and the Hillwood driveways currently operate at an acceptable level of service (LOS) "C" or better at all times.
- The acceptable levels of service can be maintained in the future under the requested modifications to BZA order conditions; and
- The existing parking supply can adequately accommodate the requested increased in daily visitation.

The Applicant was requested to provide a copy of the complete traffic study to the D.C. Department of Transportation (DDOT) for review and comment. A final OP conclusion about the potential impacts of final negotiated proposed changes is contingent on the DDOT analysis.

**COMPREHENSIVE PLAN**

The Comprehensive Plan Generalized Land Use Map designates this site, and properties west of Upton Street/Linnean Avenue, N.W., for Institutional land use characterized by land and facilities occupied by colleges, universities, hospital, religious institutions, and similar facilities as the predominant uses. Intervening property and lots generally to the north and south are

designated Low Density residential characterized by single-family detached and semi-detached housing as the predominant uses. The Rock Creek Park property generally east is designated Parks, Recreation and Open Space use, characterized by District government parks and recreation centers, cemeteries and the National Capital Open Space System as predominant uses.

**COMMUNITY COMMENTS**
The Applicant negotiated an agreement with seven families who live within 200 of the Museum property that, among other issues, identified modified variance conditions that are mutually agreeable.

The Applicants presented the modified changes to Advisory Neighborhood Commission (ANC) 3F on January 10, 2005. To date no comment has been received from the ANC.

**AGENCY COMMENTS**
OP requested that the Applicant forward the transportation study to the D.C. Department of Transportation for review and comment. To date no comments have been received.

**RECOMMENDATION**
The Office of Planning cannot make a recommendation at this time, pending receipt of the DDOT analysis needed to confirm no adverse traffic impacts from the proposed changes. Staff will submit a supplemental report after receipt of the requested information.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning
Exhibit 2 Table of Existing and Proposed Conditions

**Exhibit 1**




# BZA Application No. 17229
# 4155 Linnean Avenue, N.W.
# (Square 2245 Lot 800)

N

Feet

0 200 400

★ ★ ★ **Government of the District of Columbia**
**Anthony A. Williams, Mayor**

**Office of Planning ~ June 22, 2004**

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
Oblique imagery ©2003 Pictometry International

**Legend**

- Street Centerlines
- Property Squares
- Trees

BZA 17229_Hillwood Museum_V
Revised: 6:13 PM, January 11, 2005

| Current (BZA Order 16109) | Filed with BZA | Agreed |
|---|---|---|
| | | |
| 1. Open 5 days/wk (not including Sun); 8:30 am – 6:00 pm | 1. Open Tues – Sat; 8:30-6 pm | 1. No change |
| 2. Visitors admitted by appointment only. | 2. Visitors admitted by appointment only, except ten walk-in visitors shall be permitted each day. Appointments shall be limited by parking availability as described in Condition 3 below. | 2. Visitors admitted by appointment only; reservations made for no more than 110 cars in morning and 110 cars in afternoon. No walk-ins permitted. At time of reservation, visitors will indicate how they will arrive at Hillwood. |
| 3. Maximum of 250 visitors per day; maximum of 50 persons inside the museum at any one time No bus limit. | 3. Visitors limited to the facility's parking capacity of 110 to 125 cars at any one time. No bus limit. | 3. Visitors limited to the facility's parking capacity of 110 cars at any one time. No more than 2 buses each morning and afternoon. |
| 4. All parking shall occur on premises. | 4. Parking on premises only with the exception that for the maximum of 5 events per year, 75 cars may park on the property of a neighboring institution as long as the facility has arranged to accommodate all of it excess parking at neighboring institution. | 4. Parking on premises only with the exception that the capacity limit will be suspended for 4 events per year ("overflow events") as long as the facility has arranged to accommodate all of it excess parking at neighboring institution. |
| 5. Maximum of 26 educational events per year, including evening and Sunday events. | 5. Maximum of 75 educational events per year, including evening and Sunday events; number of attendees based on parking capacity; all must park in site's parking lot | 5. Maximum of 41 educational events per year (includes evening and Sunday events, but not overflow events); no more than 2 evening events per week. Attendance limited to 75 cars at evening events. Visitors not to arrive by bus except for 5 evening events per year. |
| 6. Educational evening activities shall end no later than 10:00 p.m. | 6. Same | 6. Same |
| 7. 4 Sunday afternoon events in year 1, with one additional event added each year with an ultimate maximum of 10 per yr. | 7. 25 Sunday afternoon events annually | 7. 18 Sunday afternoon events between the hours of 12:30 – 6; no more than 3 Sunday events in any one calendar month, Sunday events may not be held on consecutive |

| Current (BZA Order 16109) | Filed with BZA | Agreed |
|---|---|---|
| | | |
| | | Sundays. |
| 8. Maximum of 100 persons may attend each Sunday event. | 8. Number of attendees based on parking capacity; all must park in site's parking lot | 8. Attendance limited to 100 cars at Sunday events. |
| 9. 1 annual fundraiser permitted, with no more than 350 guests. | 9. Condition eliminated. | 9. Condition eliminated. |
| 10. No amplified outdoor concerts. | 10. Same | 10. No amplified music or speech that can be heard beyond the site. |
| 11. Applicant shall establish liaison committee. | 11. Liaison committee made up of ANC, area residents and institutions to coordinate the activities of the applicant's facility and nearby institutions. | 11. Same |
| 12. No rental to outside groups or individuals. | 12. No rental to outside groups or individuals unrelated to its mission. | 12. No rental to outside groups or individuals. |
| 13. Hillwood to provide security 24/7. | 13. Same | 13. Same |
| 14. Install "no right turn" sign at all exits. | 14. Maintain signs | 14. Same |
| 15. Hillwood to request that all visitors exit toward Tilden Street. | 15. Same | 15. Same |
| | | NEW: Hillwood to take reasonable measures to assure that employees and visitors do not park on street. |
| | | NEW: No more than 2 buses each morning and afternoon |
| | | NEW: Implement measures to reduce queue on Linnean; no street queue of more than 1 bus at any time. |
| | | NEW: Arbitration procedure |
| | | NEW: No requests for significant changes to operating conditions for 10 years without consent of all but one household that signed the Neighborhood Cooperation Agreement. |