

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18315 of Evermay Georgetown LLC, on behalf of S & R Foundation, pursuant to 11 DCMR § 3104.1, for a special exception to establish a nonprofit use under section 217, in the R-1-B District at premises 1623 28th Street, N.W. (Square 1285, Lot 815).

HEARING DATE: February 29, 2012
DECISION DATE: February 29, 2012

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 submitted a report in support of the application. (Exhibit 25.) The Office of Planning (“OP”) submitted a report recommending conditional approval of the application. (Exhibit 28.) The D.C. Department of Transportation filed a memorandum stating that it has no objection to the application if certain conditions are met. (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.¹ 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

¹ One party status application in opposition to the case was filed in the record (Exhibit 23), but was subsequently withdrawn on the day of the hearing. (Exhibits 31 and 32.) Therefore, the application proceeded through the hearing uncontested.

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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 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**, pursuant to Plans - Exhibit Nos. 10 and 27-Tabs A & G, and **SUBJECT to the following CONDITIONS:**

1. This approval shall be for a term of **FIVE (5) YEARS**, beginning on the date upon which the order became final.
2. The subject property shall not be used as a rental venue for social or other events.
3. A maximum of nine nonprofit employees may work on-site.
4. The hours of operation shall be:
 - a) **Nonprofit Offices:**
Monday through Friday, 7:00 a.m. to 8:00 p.m.; and
Saturday and Sunday (occasionally), 7:00 a.m. to 5:00 p.m.
 - b) **Fellows Meetings:**
Monday through Friday, 7:00 a.m. to 9:00 p.m.
 - c) **Music concerts for invited guests only during the following hours:**
Monday through Thursday, 2:00 p.m. to 4:00 p.m., and 7:00 p.m. to 10:00 p.m.
Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and
Sunday, 1:00 p.m. to 9:00 p.m.
 - d) **Exhibitions for invited guests only during the following hours:**
Monday through Thursday, 10:00 a.m. to 4:00 p.m.;
Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and
Sunday, 1:00 p.m. to 9:00 p.m.
 - e) **Civic/Fundraising for invited guests during the following hours:**
Monday through Thursday, 7:00 p.m. to 10:00 p.m.;
Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and
Sunday, 1:00 p.m. to 9:00 p.m.
 - f) **Valet and other staff, including cooks, caterers and janitors** associated with music concerts, exhibits and civic/fundraising events shall leave the subject property within one hour after the conclusion of the event.
 - g) **Noisy vendor breakdowns and loading** shall occur before 10:00 p.m., or shall take place on the following business day between the hours of 8:00 a.m. and 5:00 p.m.

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Trucks associated with noisy vendor breakdown and loading shall depart the subject property before 10:00 p.m.

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

Type of Event	Number of Guests	Maximum Number per Year
Fellows Meeting (small)	1-20	24 one- to five-day meetings Monday – Friday
Fellows Meeting (large)	21-50	12 two-day meetings, Monday – Friday
Concert/Exhibition	1-50	24
	51-80	18
	81-150	12
Civic/Fundraising Events (for the occupying nonprofit organization only)	50-100	2
	Up to 200	1

6. The Applicant shall minimize traffic and noise impacts by employing the following measures:
- All guests and vendors shall be informed in advance to park on-site and to pick up or drop off passengers on-site.
 - The Applicant shall direct on-site parking for any event with fifty (50) or fewer guests. For any events with more than fifty guests, the applicant shall provide on-site valet parking.
 - Valet parking providers shall be instructed in advance to unload, load and park all vehicles on-site.
 - Passenger vans used for Fellows Meetings shall arrive before 7:30 a.m. or after 9:00 a.m., and shall depart before 5:15 p.m. or after 6:15 p.m.
 - Nonprofit employees shall park on-site.
7. Passenger vans used in connection with an event shall be no larger than approximately twenty feet in length. Vehicles used in connection with an event shall load, unload, park and wait on-site, not on the street.
8. Attendees at Fellows Meetings may reside on-site for the duration of the meeting. Fellows housed off-site shall arrive on-site by passenger van.
9. No amplified music shall be permitted on the outside grounds of the subject property.

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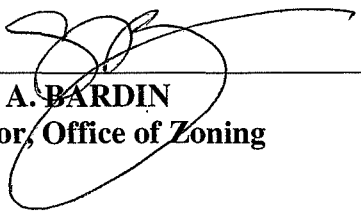
10. The Applicant shall establish a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Evermay. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.

VOTE: 5-0-0 (Meridith H. Moldenhauer, Marcie I. Cohen, Nicole C. Sorg, Lloyd J. Jordan, and Jeffrey L. Hinkle to Approve)

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: MAR 07 2012

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 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 § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



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As Director of the Office of Zoning, I hereby certify and attest that on MAR 07 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Mary Carolyn Brown, Esq.
Alice G. Haase, Esq.
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Sachiko Kuno
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Bethesda, MD 20814

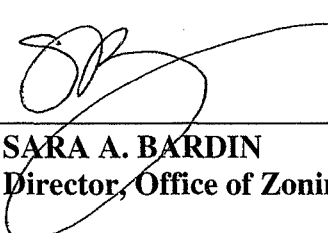
Jack Evans, Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W., Suite 106
Washington, D.C. 20004

Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Single Member District Commissioner 2E-07
Advisory Neighborhood Commission 2E
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Washington, D.C. 20007

Melinda Bolling, Esq.
General Counsel
Office of General Counsel
Dept. of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
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ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18315-A of Evermay Georgetown, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(n), to allow the continued operation of a non-profit use in the R-19 Zone at premises 1623 28th Street, N.W. (Square 1285, Lot 815).

HEARING DATE: December 7, 2016
DECISION DATE: December 7, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The 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 located 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. The ANC submitted a report dated November 29, 2016 recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 28, 2016, at which a quorum was present, the ANC voted 5-0-0 to support the application with the conditions as proposed in the renewed application, including those related to the following topics: hours of operation, valet and staff regulations, number of events listed per year, parking guidelines, and amplified music. (Exhibit 33.)

The Office of Planning ("OP") submitted a timely report dated November 23, 2016, recommending approval of the application with conditions. (Exhibit 32.)

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The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 30.)

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the R-use requirements of Subtitle U § 203.1(n), to allow the continued operation of a non-profit use in the R-19 Zone. 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 averse 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 Subtitle X § 901.2, and Subtitle U § 203.1(n), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This approval shall be for a term of **TEN (10) YEARS**, beginning on the final date of this order.
2. The subject property shall not be used as a rental venue for social or other events.
3. A maximum of nine nonprofit employees may work on-site.
4. The hours of operation shall be:
 - a. **Nonprofit Offices:**
Monday through Friday, 7:00 a.m. to 8:00 p.m.; and Saturday and Sunday (occasionally), 7:00 a.m. to 5:00 p.m.
 - b. **Fellows Meetings:**
Monday through Friday, 7:00 a.m. to 9:00 p.m.

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- c. **Music concerts for invited guests only during the following hours:**
Monday through Thursday, 2:00 p.m. to 4:00 p.m., and 7:00 p.m. to 10:00 p.m.
Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and Sunday, 1:00 p.m. to 9:00 p.m.
- d. **Exhibitions for invited guests only during the following hours:**
Monday through Thursday, 10:00 a.m. to 4:00 p.m. Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and Sunday, 1:00 p.m. to 9:00 p.m.
- e. **Civic/Fundraising for invited guests during the following hours:**
Monday through Thursday, 7:00 p.m. to 10:00 p.m. Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and Sunday, 1:00 p.m. to 9:00 p.m.
- f. **Valet and other staff, including cooks, caterers and janitors** associated with music concerts, exhibits and civic/fundraising events shall leave the subject property within one hour after the conclusion of the event.
- g. **Noisy vendor breakdowns and loading** shall occur before 10:00 p.m., or shall take place on the following business day between the hours of 8:00 a.m. and 5:00 p.m. Trucks associated with noisy vendor breakdown and loading shall depart the subject property before 10:00 p.m.

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

Type of Event	Number of Guests (per event)	Maximum Number per Year
Artists Resident Respite	1-10	12 visitors one-to-fourteen day stays
Fellows Meetings (large)	0	0
Non-Profit Meetings (Kuno Foundation)	1-50	12 two-day meetings, Monday-Friday
Foundation Concerts & Exhibits	51-90	21
	91-120	5
Kuno/Ueno Foundations Fund-raising Events	50-100	0
	Up to 200	2
Total		40

6. The Applicant shall minimize traffic and noise impacts by employing the following measures:
- a. All guests and vendors shall be informed in advance to park on-site and to pick up or drop off passengers on-site.

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- b. The Applicant shall direct on-site parking for any event with fifty (50) or fewer guests. For any events with more than fifty guests, the applicant shall provide on-site valet parking.
 - c. Valet parking providers shall be instructed in advance to unload, load and park all vehicles on-site.
 - d. Passenger vans used for Fellows Meetings shall arrive before 7:30 a.m. or after 9:00 a.m., and shall depart before 5:15 p.m. or after 6:15 p.m.
 - e. Nonprofit employees shall park on-site.
7. Passenger vans used in connection with an event shall be no larger than approximately twenty feet in length. Vehicles used in connection with an event shall load, unload, park and wait on-site, not on the street.
8. Attendees at Fellows Meetings may reside on-site for the duration of the meeting. Fellows housed off-site shall arrive on-site by passenger van.
9. No amplified music shall be permitted on the outside grounds of the subject property.
10. The Applicant shall establish a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Evermay. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.

VOTE: 4-0-1 (Anita Butani D'Souza, Robert E. Miller, Frederick L. Hill, and Carlton Hart 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: December 14, 2016

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PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, 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.