

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

Application of Halcyon Georgetown, LLC

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

Halcyon Georgetown, LLC ("Halcyon Georgetown" or "Applicant") proposes to renew Special Exception #18604 ("SE #18604) to continue existing nonprofit organization uses at Halcyon House, located at 3400 Prospect Street, NW, Washington, DC (Square 1204, Lot 63) ("Property"). For the initial application ("SE #18604), the S&R Foundation, a 501(c)(3) non-profit organization was the lessee at the Property and carried out the programs permitted by the Order. Those programs included non-profit offices, S&R Foundation events, an Incubator and the International Institute for Global Resilience Program ("IIGR"). During the past five years the IIGR program was relocated, the Incubator has developed into a platform with a significant local and international presence, and Halcyon House, a 501(c)(3) non-profit organization ("Halcyon"), evolved from S&R Foundation and as the successor organization, now occupies the Property with responsibility for carrying out the non-profit programs pursuant to SE #18604.

Halcyon is a nonprofit organization founded in 2017 that believes in the power of creativity and compassion to empower humanity. To accomplish its mission, Halcyon provides space, community and access to socially engaged artists and social entrepreneurs working to use their vision and talent to address the world's greatest challenges. Signature programs include Halcyon Incubator, Halcyon Arts Lab, Halcyon Dialogue and the By the People festival. In only three years, the Incubator's 63 social entrepreneurs have created 460 jobs (270 in the District of Columbia), raised more than \$37 million and impacted nearly half a million lives around the world.

At the Property, Halcyon maintains its non-profit offices and operates the Incubator. The Incubator's residential program provides room and board, expert mentorship, strategic, business, legal and PR advisory support to the social entrepreneurs so that they may develop their strategies and organizational capacity to launch an independent and sustainable business, non-profit or campaign upon "graduating" from the fellowship.

To date some of the start-ups the Incubator has supported include Start Line (online resources to citizens returning to society from incarceration); MISFIT Juicery (making cold-pressed juice out of "ugly" produce not suitable for sale and otherwise discarded by farmers); Weather HYDE (life-saving emergency tent that protects the homeless from extreme weather),

and Foster America (aims to improve the lives of our country's most vulnerable children, including those orphaned, abused or neglected). Looking forward, the Incubator desires to add a two-week summer program, which will replace the 12-week IIGR summer residency research program.

II. Relief Requested

Since SE #18604 was approved, the Zoning regulations were updated although for the Property, the uses did not change. The R-20 district regulations permit non-profit organization use through special exception relief. For Halcyon to continue the Incubator and other Halcyon programs at the Property, the Applicant must first seek renewal of SE #18604 under 11 DCMR Subtitle X, Chapter 9 for a nonprofit use pursuant to subtitle U, §302 of the Zoning Regulations. The requirements for special exception approval under 11-U §203.1(n) 11-X §901.2 are met, as follows.

III. Special Exception

Subtitle U, § 203.1(n) of the Zoning Regulations provides that the Board of Zoning Adjustment may grant special exception relief from the R-20 regulations, subject to the following requirements:

A. 203.1(n)(1) and (2): (1) If the building is listed in the District of Columbia's Inventory of Historic Sites, 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 (2) 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 203.1(n) (3): 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 Halcyon will not adversely affect the use of neighboring properties. The Order for SE #18604 was conditioned such that a maximum of 12 Halcyon employees may have offices at the Property 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 are and will continue to be limited in number, hours and attendees to ensure that the quiet enjoyment of neighboring properties is not disrupted. Although the current Order permits a total of 75 non-profit events, the renewal proposal reduces the number of events,

emphasizing the events requiring valet and off-site parking locations. Also, the Fellows participating in the Residential Incubator live at the Property, mitigating any external effects.

Prior to, and during the past five years, the Applicant, S&R Foundation and Halcyon have maintained open communication with neighbors. And, as it did for SE #18604, the Applicant has committed to implement a comprehensive list of requirements and protocols to minimize external effects (see attached Order with proposed amendments). These measures include, but are not limited to, restrictions regarding times and days in which events may be held, the number of guests, valet, loading and delivery.

B. Section 203.1(n) (4): The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

On-site parking at the Property is limited to approximately 15 cars. Prior to SE #18604, the Applicant commissioned a traffic and parking study and, in conjunction with the ANC2-E, followed recommendations to minimize traffic impacts in the neighborhood. The Order set varying requirements for numerical categories of guests, arrival and departure times and, as needed, alternate off-site parking lots with shuttle service. As noted above, this renewal application proposes to reduce the number of certain events in favor of events that require valet and off-site accommodations. Also, the Applicant has maintained an inventory of events requiring valet, including the number of guests and cars parked. Based on those counts, the Applicant proposes an upward adjustment to the threshold for valet service. All deliveries have and will continue to occur subject to guidelines setting forth a strict protocol of procedures and delivery times. See attached. Although one or more District of Columbia residents are included in the Residential Incubator cohort, most fellows are from outside of the Washington, DC area, and are prohibited from bringing cars, thus, do not place demands for on-site or on-street parking. Furthermore, the number of fellows/budding entrepreneurs are limited and will not create parking impacts as they will live and work at the Property.

C. Section 203.1(n)(5): 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 Halcyon, except for the possible sale of publications, materials, or other items benefitting, or related to, the purposes of Halcyon.

D. Section 203.1(n)(6): 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....with comments...on the architectural or historical significance of the building or site or district in which the building is located.

There will be no additions to the Property any major modifications to the exterior of the buildings, associated with Halcyon's use. Currently, all the improvements - mansion, apartments, detached townhouse, swimming pool, and a structure used as an office – are located on one tax lot per the District of Columbia's Surveyor's Office and the Office of Tax and Revenue records.

E. Subtitle X, Section 901.2: The Board is authorized ... to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and (c) Will meet such special conditions as may be specified in this title.

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. As noted, SE #18604 was approved with conditions. The very purpose of Section 203 is to allow large historic properties such as Halcyon House to be used for nonprofit organization purposes, subject to review by this Board.

IV. Outreach

The Applicant intends to meet with interested neighbors on May 21st to review this Application. Further, the Property is situated in the ANC 2E, SMD 05, and prior to submission of this Application met with SMD 05 Commissioner Lisa Palmer and Commissioner Richard Murphy, whose single member district is adjacent to 05.

Pursuant to Subtitle Y, §300.14 of the Zoning Regulations, the Applicant will file its current traffic study with the Board no fewer than 30 days prior to the public hearing for the present Application. Through its written statement, and through testimony and evidence presented at the public hearing, the Applicant will further demonstrate how the burden of proof is met to obtain the Board's approval of the requested relief.