

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 6, 2018
SUBJECT: BZA Case 19805 to allow the continued nonprofit use in a residential building at 3400 Prospect Street NW (renewal of BZA Order No. 18604)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the **special exception** pursuant to Subtitle U § 203.1 (n) to permit the renewal of BZA 18604 to allow the use of a historic residential building by a nonprofit organization, subject to the **following conditions** (which reflect the approved conditions in BZA Order 18604 with a few changes proposed by the Applicant in conjunction with the ANC and DDOT):

1. The Property shall be used only for a 501(c)(3) nonprofit organization focused on the fields of fine arts, science and social enterprise, and medical or pharmaceutical research.
2. A maximum of twelve (12) nonprofit employees may work on-site.
3. The hours of operation shall be as follows:
 - a. **Non-profit offices:**

Monday through Friday, 7:00 a.m. to 8:00 p.m., with hours extended daily and on the weekends as required for the non-profit's use.
 - b. **Events at Halcyon House:**

Monday through Thursday, 10:00 a.m. to 4:00 p.m.; 7:00 p.m. to 10:00 p.m.
Friday and Sunday, 10:00 a.m. to 11:00 p.m.
Saturday, 9:00 a.m. to 11:00 p.m.
 - c. **Halcyon Incubator:**

Residency Program - up to ten months annually between August 15 and June 15
Summer Program – two programs, two weeks each between mid-June and mid-August

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

Event Type	Participants	Maximum No. of Events
Halcyon Incubator –(Residential)	1-2 per project	8 ventures per cohort
Halcyon Incubator Summer (Two weeks)	1-2 per project	6 ventures per cohort
Halcyon Events	Participants	Maximum No. of Events
Halcyon House Events (including Incubator pitches and showcases, panel discussions, concerts), other seminars, and events pursuant to Halcyon’s missions, and four civic/fundraising events)	1-50	12
	51-100	14
	101-200	24
	201-300	4
Total (excl. Incubator Residency programs)		54

5. The Applicant shall schedule a minimum of twelve (12) of the allowed 24 annual events for 101-200 guests during the hours of 10 am to 4 pm on weekdays and/or weekends.

6. The Applicant shall minimize traffic and noise impacts on the neighborhood by employing the following measures:

a. For any event over 200 guests, the event shall not be scheduled coincident with any weekend in which the Georgetown University Academic Calendar reflects the return and arrival of students for the academic year; Parent/Family Weekend; and/or commencement weekend.

b. The events with more than 200 guests must end no later than 11:00 p.m. and no vendor loading or pick-up may occur after 10:00 p.m. or before 10:00 a.m.

c. The Applicant shall inform all vendors of the parking policies and operations for events as follows:

1. Vendor unloading and loading may occur daily between the hours of 10:00 a.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.

2. Noisy vendor breakdown and loading shall occur before 10:00 p.m. or shall take place on the following business day between the hours of 10:00 p.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.

3. Vendors using vans under 20 feet in length shall be directed to utilize the rear parking court off of 34th Street, or the townhouse lot for loading and unloading purposes. Loading by vehicles over 20 feet in length shall not be permitted at the rear of the Subject Property and would only be permitted in designated areas along Prospect Street.

4. For the four events with more than 200 people, vendors may utilize the rear parking court Monday through Sunday between the hours of 10:00 a.m. and 4:00 p.m., and 7:00

- p.m. to 10:00 p.m.
5. Trucks associated with noisy vendor breakdown and loading shall depart the Property before 10:00 p.m.
 6. Valets and other staff associated with events, including, cooks, caterers, and janitors, and the like, shall leave the Property within two hours after the event concludes but, in any event, before 12:00 a.m.
 7. Passenger vans used in connection with an event shall be no larger than approximately 20-feet in length.
 8. Vendors used in connection with an event shall be instructed that idling in the neighborhood is prohibited.
- d. Employees shall park on-site in the parking court.
 - e. Resident participants in the Halcyon Incubator with cars shall be prohibited from parking on-site and shall provide evidence to Halcyon of parking in off-street locations.
7. The Applicant shall implement the Traffic Demand Management Plan as set forth in the June 15, 2018 Comprehensive Transportation Report (CTR) study, as refined by the District Department of Transportation (“DDOT”) to include the following measures:
- a. Obtain temporary reserved parking signage from DDOT to accommodate valet parking and loading needs for events anticipated to generate 100 or more guests. Temporary reserved parking signage shall be placed along the four (4) on-street vehicle parking spaces directly fronting the Property on Prospect Street, NW.
 - b. For any event anticipated to generate 100 or more guests, direct guests to use taxis, rideshare, and/or valet parking with loading and unloading on Prospect Street, NW.
 - c. For any event anticipated to generate 200 or more guests, provide shuttle and/or van service between the Property and reserved off-site parking lots.
 - d. Maintain an adequate number of tables and chairs on-site to reduce freight trips and loading needs for larger events.
 - e. Coordinate with other properties in the vicinity to avoid scheduling large events on the same dates, including Georgetown University, the operator of 3425 Prospect Street, NW, and others, as necessary.
8. The Applicant shall provide no fewer than three (3) consecutive years of annual performance monitoring reports to DDOT’s Planning and Sustainability Division to assess the Applicant’s proposed parking management strategies. The reports shall collect data during at least two (2) events per year anticipated to generate over 200 guests. The reports shall include the following information:
- a. Report the queue length of the valet area. The Applicant’s reports will state whether, at any time during each studied event, the queue length of the valet parking area exceeds the Applicant’s proposed goal of five (5) cars. The Applicant should not report average queue length across events as this may conceal inadequate valet management.
 - b. Report the parking demand generated by the events, as measured by a ratio of off-street valet spaces occupied per event guest. For each reported event the Applicant’s report should indicate whether the vehicle parking demand exceeds 0.5 spaces occupied per guest.
 - c. The first report is to be provided one (1) year following BZA approval and provided on the same date thereafter in following years.

- d. In the event the Applicant shows it has met its goals for three (3) consecutive years, it shall no longer be required to submit monitoring reports.
 - e. In the event the Applicant does not meet one (1) or both goals as required in this section 8.a. or 8.b. across two (2) consecutive years, it will be required to coordinate with DDOT on more intense and effective TDM strategies.
9. Resident participants in the Halcyon Incubator are permitted to reside and work at the Property for periods up to ten months during the months of August through June; participants in the Summer Incubator Program shall be permitted to reside and work at the Property for two (2) two-week periods during mid-June through mid-August.
10. No amplified music shall be permitted on the outside grounds of the Subject Property.
11. Outreach to Neighbors shall occur as follows:
- a. The Applicant will appoint a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Halcyon House.
 - b. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.
 - c. The Applicant shall convene a Liaison Committee, to include one representative of the Applicant (or the successor owner, if any), one representative of the Halcyon House (or the then-current primary tenant, if any), a minimum of two representatives from ANC 2E, and two representatives of the proximate Georgetown community at large. The Applicant shall convene the Liaison Committee semi-annually to discuss and address issues, if any, related to the traffic and noise mitigation at the Property. Not less than 30 days in advance of Liaison Committee meetings, notice of such meetings shall be (i) mailed or delivered to all households within 200 feet of the subject property, and (ii) published on the Applicant's website.

II. LOCATION AND SITE DESCRIPTION

Address	3400-3410 Prospect Street NW
Legal Description	Square 1204, Lot 63
Ward, ANC	Ward 2 ANC 2E
Lot Characteristics	Large lot fronting on Prospect Street NW. 34 th Street NW is located to the east.
Zoning	R-20: Intended to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwellings and permit attached row houses on small lots, and includes areas where attached houses are mingled with detached houses and semi-detached houses.
Existing Development	Historic mansion and adjacent townhouse, permitted in this zone. The property is served by a rear parking court measuring approximately 166 feet long by 22 feet wide and accessed via a driveway along 34th Street NW. The rear parking court currently includes spaces for 15 vehicles. Halcyon House is also served by a small parking pad located in front of the townhouse adjacent to the west side of the main house. Vehicular access to the rear of the property is currently via a curb cut on 34th Street.
Historic District	Georgetown

Adjacent Properties	North, East and West: West: single family and multifamily dwellings South: Retail uses facing M and 34 th Streets across the 10 ft. alley
Surrounding Neighborhood Character	The neighborhood primarily consists of historic single family and multifamily dwellings. Retail uses are located along M Street.



III. BACKGROUND

The Subject Property, known as Halcyon House, consists of approximately 22,172SF of land. It is developed with a historic mansion built in 1787, as well as an adjacent 2,900 SF. townhouse. Halcyon House is located within the Georgetown Historic District, and is listed as a landmark on the D.C. Inventory of Historic Sites.

In BZA Case No. 18604, the S & R Foundation applied for a Special Exception under the 1958 regulations to allow non-profit organization’s office use, events and programs at the site. The BZA approved the use with a detailed description of operations and events and 12 conditions of approval in the BZA Order (BZA Case No. 18604 Exhibit 36). Since then, the International Institute for Global Resilience Program has relocated and is no longer operating from this property. The current applicant, Halcyon House, evolved from the S& R Foundation and now occupies the property and is responsible for the requirements of the Order.

IV. APPLICATION IN BRIEF

The Applicant is requesting a Special Exception under Subtitle U § 203.1 (n) to allow the continued use by a nonprofit organization of the historic building under the 2016 zoning regulations, which would be a renewal of the previous Board approval for this use in Case No. 18604. The Halcyon House is a nonprofit organization that would maintain its offices at Halcyon House and operates the Halcyon Incubator. The Applicant proposes to use the Subject Property, including the buildings and associated land, for the purposes of a nonprofit organization and for the Incubator’s residential program.

The offices of the nonprofit organization would be located on-site and would operate between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday, with up to 12 staff members. Based on meetings with the

neighboring community and an assessment of programmatic needs, the Applicant is proposing some changes to the conditions of the previous Order and some include:

- There would be no term limit; the ANC and the Applicant agreed to a Liaison Committee to mitigate any issues (see proposed Condition No. 11.c.)
- The total number of events will be reduced from 75 to 54 (excluding the Incubator residential program).
- The threshold for valet services will be increased from 50 guests to 100 guests.
- The number of events for 101-200 guests will be increased from 8 to 24; Halcyon will restrict a minimum of 12 such meetings to the permissible daytime hours.
- The four events for 201 to up to 300 persons are not to be held on any date of Georgetown University's return and arrival of students for the academic year, parent/family weekends, and/or commencement weekends.

Details of the nonprofit organization's proposed operations are listed as conditions of approval in Section I.

V. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to Subtitle §203.1

203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

(n) Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:

(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;

The Subject Property is located within a residential zone (R-20), located within the Georgetown Historic District, and is listed as a landmark on the D.C. Inventory of Historic Sites.

(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 sq. ft.) or greater;

The main building on the property, the mansion, consists of 23,400 square feet of gross floor area, in excess of the minimum required 10,000 square feet.

(3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;

With adequate operational controls and mitigation measures, the proposed use of a nonprofit organization in this building should not adversely affect the use of neighboring properties. A five year-term limit and application for renewal of this type of Special Exception have provided an opportunity for the community to give the Applicant and Board feedback about any adverse impacts that may have been caused by the use. In this case, it appears the use over the past five years has been generally non-problematic and the Applicant has responded to a few concerns that were raised as noted in Section IV and the proposed conditions of the

Order. The ANC voted in support of the special exception to allow the renewal of the nonprofit use of the building with the proposed conditions of approval, including the new Liaison Committee.

Overall, with the changes to events, guests, valet parking, loading and delivery that the Applicant is proposing, the continued use of this building should not adversely affect the use of the neighboring properties.

(4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;

In Exhibit 36, DDOT filed a report in support of the Special Exception with the implementation of the TDM plan of the Applicant's Comprehensive Transportation Report (CTR) study in Exhibit 30 and some specific conditions of approval that are included in Conditions 7 and 8 in Section I.

The Applicant is proposing to reduce the number of certain events in favor of events that require valet and off-site accommodations. Based on a review of the past five years, the Applicant proposes an adjustment to the threshold for valet service. All deliveries will continue to follow the requirements set out in the original Order. The Applicant does not expect an increase in the demand for on-site or on-street parking.

The Applicant may have not complied with Condition 7-e of the previous Order and should explain to the Board why they didn't provide the annual performance reports to DDOT. However, it does appear that the Applicant did maintain the required inventory and has done analysis based on the results.

(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; and

The application indicates that no goods, chattel, wares or merchandise would be commercially created, exchanged or sold in the residential building or on the land, except for the possible sale of publications, materials or other items related to the purposes of Halcyon.

(6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located;

The Applicant's proposal does not include additions to the mansion or any major modifications to the exterior of the buildings associated with the use.

Special Exception Relief pursuant to Subtitle X Chapter 9

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The zoning regulations allow for a nonprofit organization use in the R-20 zone by special exception if it meets the criteria as detailed above.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The specific review criteria for this special exception are detailed above and OP has outlined additional information required by the Applicant, and conditions that should be imposed with any approval to lessen or mitigate any potential impacts. A facility with restricted employee numbers, parking, loading, and hours of operation and events should not adversely affect the use of neighboring properties.

VI. AGENCY COMMENTS

In Exhibit 36, DDOT filed a report stating no objection to the approval of the requested special exception with conditions that are noted in Section I. No other agencies had filed a report at the time of this staff report deadline.

VII. COMMUNITY COMMENTS

The ANC filed a report in support of the special exception with the conditions proposed by the Applicant including the new Liaison Committee (Exhibit 34).