GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 19805 of Halcyon Georgetown, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(n), to permit a nonprofit use in a residential building in the R-20 Zone at premises 3400-3410 Prospect Street N.W. (Square 1204, Lot 63).[1]

HEARING DATE: July 18, 2018
DECISION DATE: July 18, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 40 – Revised Zoning Self-Certification; Exhibit 4 - Original.) 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 recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 2, 2018, at which a quorum was present, the ANC voted 4-0-0 to support the application with the understanding that Commissioner Lisa Palmer will renegotiate the terms of the agreement, including: 1) changing the threshold for required valet parking up to 100 guests, and 2) the formation of a Liaison Committee which will meet at least semi-annually to address neighborhood concerns. (Exhibit 34.)

[1] The Applicant was previously granted a special exception in BZA Order No. 18604 for a non-profit use under the pre-2016 Zoning Regulations.

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The Office of Planning ("OP") submitted a timely report recommending approval of the application with conditions. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 36.)

The Board considered the proposed conditions submitted by the participants in the application and adopted the conditions stated in this order.

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 use provisions of Subtitle U § 203.1(n), to permit a nonprofit use in a residential building in the R-20 Zone. The only parties to the case were the ANC and the Applicant. 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 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 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, WITH THE FOLLOWING CONDITIONS:**

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 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 12 of the allowed 24 annual events for 101-200 guests during the hours of 10:00 a.m. to 4:00 p.m. 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 a.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 ("TDM") 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 on-street vehicle parking spaces directly fronting the Property on Prospect Street, N.W.
   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, N.W.
   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, N.W., and others, as necessary.

8. The Applicant shall provide no fewer than three 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 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 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 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 consecutive years, it shall no longer be required to submit monitoring reports.

   e. In the event the Applicant does not meet one or both goals as required in this section 8.a. or 8.b. across two 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.

VOTE: **4-0-1** (Frederick L. Hill, Anthony J. Hood, Lorna L. John, and Carlton E. Hart to APPROVE; Lesylleé M. White not present, not voting).

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: July 25, 2018

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.