

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: February 21, 2012
SUBJECT: BZA Case 18315 – 1623 28th Street, N.W. (Evermay)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of:

A special exception pursuant to § 217 of Title 11 DCMR, to permit the use of a historic residential building by a nonprofit organization, subject to the following conditions:

1. Approval shall be for a period of five (5) years.
2. The subject property shall not be used as a rental venue for social or other events.
3. The property shall be used only for a 501(c)(3) nonprofit organization focused on the fields of fine arts, cultural understanding, global resilience and medical or pharmaceutical research.
4. A maximum of nine nonprofit employees may work on-site.
5. The hours of operation shall be:
 - a. Nonprofit Offices:

Monday through Friday, 7:00 a.m. to 8 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 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 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. Valets and other staff, including cooks, caterers and janitors associated with music concerts, exhibits and civic/fundraising events shall leave the subject property within one 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.
6. The maximum number of events per year shall be:

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

7. 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;
 - b. The applicant shall direct on-site parking for any event with fifty 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.; and
 - e. Nonprofit employees shall park on-site.
8. 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.
9. 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.
10. No amplified music shall be permitted on the outside grounds of the subject property.
11. 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.

II. BACKGROUND

In 2008 the previous owner of the subject property filed BZA Application No. 17761 to permit the use of the historic residential building on the subject property by a nonprofit organization, pursuant to § 217 of the Zoning Regulations. That application was withdrawn by the applicant prior to being heard by the Board.

III. LOCATION AND SITE DESCRIPTION

Address	1623 28 th Street, N.W.
Legal Description	Square 1285, Lot 815
Ward	2
Lot Characteristics	Large, unusually shaped lot
Zoning	R-1-B: high-density one-family detached dwellings
Existing Development	Historic mansion and associated outbuildings, permitted in this zone.
Historic District	Georgetown
Adjacent Properties	North and East: Oak Hill Cemetery South: One-family detached dwellings and an institutional use West: Across 28 th Street, one-family dwellings
Surrounding Neighborhood Character	One-family residential and cemetery uses

The subject property, known as Evermay, consists of approximately three and one-half acres of land. It is developed with a two and one-half story historic mansion constructed in 1801 that consists of 10,110 square feet of gross floor area. An additional 5,182 square feet is located within the cellar. Several outbuildings are also located on the property, including a 2,285 square foot gate house adjacent to the entrance to the property from 28th Street, and the former domestic quarters building consisting of 1,252 square feet. The property is listed as a landmark on the D.C. Inventory of Historic Sites and is located within the Georgetown Historic District.

As stated above, vehicular access to the property is from 28th Street, which leads to a circular drive at the front of the mansion. A second leg of the driveway follows generally the northern property line adjacent to Oak Hill Cemetery, providing access to parking on the east side of the property. The application indicates that the valet parking is able to accommodate 109 cars.

The south side of the property is generally improved as terraced gardens and fountains, and provides outdoor space for events. Five properties are located to the south; four are single-family residences and the fifth is Dumbarton House, owned and occupied by the Colonial Dames of America.

IV. APPLICATION IN BRIEF

The applicant proposes to use the subject property, including the buildings and associated land, for the purposes of a nonprofit organization, and for residential quarters for the property owner. The organization, the S & R Foundation, was established in 2000 to promote scientific research and artistic endeavors among young people. In 2011 the foundation expanded its mission to include promoting the exchange of knowledge

and recommendations for the appropriate response and management of emergencies, such as earthquakes, tsunamis and hurricanes.

The owners would use the historic property for the following:

- Locate the offices of and conduct business for the S & R Foundation;
- Provide overnight accommodations for a small number of Fellows Meeting participants; and
- Maintain dwelling quarters for their personal use.

Activities that would take place at Evermay fall into the three categories. Those categories are Fellows Meetings, Concerts and Exhibits and Civic Fundraising Events.

1. Fellows Meetings: These would take place during the week during normal business hours and last one or two days. Attendance would be by approximately ten to twenty professionals for small meetings and up to fifty for large meetings in the hazard related fields. Overnight accommodations would be provided for attendees on-site for the smaller meetings, with overflow provided at local hotels. Fellows staying off-site would be transported to and from the subject property via passenger vans approximately twenty-feet in length so as to not be too large to navigate the turns into the property.
2. Concerts and Exhibits: Generally attended by fifty invited guests or fewer, concerts would exhibit the skills of those that have received grants from the organization, or would be organized as fund raisers for the nonprofit organization. Up to twelve per year would involve between 81 and 150 invited guests. There would be no amplified music on the grounds outside of the mansion to protect nearby residences from noise.

All parking would be accommodated on-site. If more than fifty invited guests would be attendance, valet parking would be provided primarily on the two existing large paved areas in the southeast corner of the lot. All guests would be informed of the on-site parking requirements in advance. Parking for all employees, including those staffing the event, and trucks associated with the event, would be parked and loaded and/or unloaded on-site only. Noisy breakdown of events would not occur after 10:00 p.m., but instead the following business day between 8:00 a.m. and 5:00 p.m.

3. Civic Fundraising Events: These events would be for the benefit of the nonprofit organization. One event a year, an annual dinner and concert, would involve up to 200 invited guests. Parking for guests and all employees, including any loading and unloading, would be handled in the same manner as described above for concerts and exhibits.

The offices of the nonprofit organization would be located on-site and would operate between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, with occasional weekend hours between the hours of 7:00 a.m. and 5:00 p.m. Nine staff members would be employed on-site and all would park on-site if arriving by private automobile. Office hours would be spread over a large time period so as not to require all employees to arrive and leave at the same time.

In order to keep the community informed of upcoming events, the applicant would establish a website and provide a liaison to those living within two-hundred feet of the subject property information about the events and to address any concerns they may have.

V. ZONING REQUIREMENTS and REQUESTED RELIEF

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 feet & 3 stories max.	2.5 stories	No change	None required
Lot Width § 401	50-foot min.	440 feet	No change	None required
Lot Area § 401	5,000 SF min.	3.58 acres	No change	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40 % max.	< 40 %	< 40 %	None required
Rear Yard § 404	25 ft. min.	> 25 feet	> 25 feet	None required
Side Yard § 405	8-foot min.	None	None (8 feet provided for proposed structure)	None required
Parking § 2101	20 spaces	50 spaces or 109 valet spaces	50 spaces or 109 valet spaces	None required

VI. OFFICE OF PLANNING ANALYSIS

i. Special Exception Relief pursuant to § 217, Non-Profit Organizations

217.1 The use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

- (a) If the building is listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101(a) of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a), 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*
- (b) 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;*

The S & R Foundation is a nonprofit organization founded in 2000. The subject property is located within a residential zone, located within the Georgetown Historic District and is listed as a landmark on the D.C. Inventory of Historic Sites. The main building on the property, the mansion, consists of 10,110 square feet of gross floor, in excess of the minimum required 10,000 square feet. Therefore, the application is in conformance with this criterion.

217.2 Use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties.

Use of the subject property by a nonprofit organization should not adversely affect the use of neighboring properties. The applicant, as stated in the ANC letter dated February 3, 2012, worked with the community and the R Street neighbors to assemble a list of conditions to ensure that the use would not the use of their properties. Those conditions include days,

times and attendance for varying types of events, including permissible times for the breakdown of events in the evenings. A ban on outdoor amplified music, the accommodation of all parking on-site and the establishment of a liaison to address concerns and provide information to owners within two hundred feet all contribute positively to the operation of the use. The ANC recommended that the proposed use be approved for a period of five years to ensure that the use would return to the BZA should the community have any issues with the operation of the nonprofit organization not addressed by the proposed conditions of approval.

217.3 The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

All parking associated with the use would be located on-site for attendees of events, staff working the events and commercial vehicles necessary for operation of the events. For events of fifty or fewer attendees, attendees would park their own vehicles on-site. For events of more than fifty attendees the applicant would provide valet parking, for which the site could accommodate up to 109 vehicles. All attendees would be instructed prior to any event that they must park on-site when in attendance at an event at Evermay if coming by private automobile.

The transportation impact study submitted by the applicant, dated January 12, 2012, concluded that the site would not have an adverse impact on traffic and parking, and made the following recommendations:

- 1) Schedule concerts/exhibitions and civic/fundraising events outside of peak hours (Monday through Friday, 8:00 to 9:00 a.m. and 5:15 to 6:15 p.m.), schedule Fellows Meetings requiring off-site transportation so that attendees arrive outside peak hours;
- 2) Vary employee hours Monday through Friday within the time frames of 7:00 a.m. to 8:00 p.m.;
- 3) Provide staff to direct on-site parking for all events attended by fifty or fewer attendees; and
- 4) Provide valet service for concerts/exhibitions and civic/fundraising events for more than fifty attendees.

The applicant agreed to these conditions.

DDOT, in an email to the Office of Planning dated January 23, 2012, concluded that adequate parking would be provided on-site.

217.4 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.

The application indicates that no goods, chattel, wares or merchandise will 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 the S & R Foundation.

217.5 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. The Board shall refer any proposed

additions or modifications to the State Historic Preservation Officer, who, acting with the advice of the D.C. Professional Review Committee for nominations to the National Register of Historic Places, shall provide the Board with a report to determine 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 only modification to the site would be the construction of a four-bay one-story brick garage on the north side of the property. This garage was reviewed by the Old Georgetown Board (OGB) on December 15, 2011, which had no objection to its construction.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations. Section 217 of the Zoning Regulations is intended to provide for the operation of nonprofit organizations within large historic structures, as proposed by the subject application.

iii. Would the proposal appear to tend to affect adversely the use of neighboring property?

The proposal would not adversely affect the use of neighboring property. The subject property is large, approximately 3.5 acres in size, and abuts a cemetery to the north and east. Dumbarton House, a non-residential use, is operated as a museum and institutional use and abuts approximately one-half of the southern lot line and a public street abuts the property to the east. Hours of operation for the various types of events proposed, provision of all parking and loading on-site and no outdoor amplified music all serve to ensure that the proposed use would not tend to adversely affect the use of neighboring property.

VII. HISTORIC PRESERVATION

The Old Georgetown Board, at its meeting of December 15, 2011, had no objection to the construction of the four-car garage.

VIII. COMMENTS FROM OTHER DISTRICT AGENCIES

DDOT, in an email to the Office of Planning dated January 23, 2012, indicated that adequate parking would be provided and noted that the website would be useful.

IX. COMMUNITY COMMENTS

ANC2E, at its regularly scheduled meeting of January 30, 2012, had no objection to the application, provided the Board approves the application for a period of five years.

One resident submitted a Party Status Request application in opposition to the application, and emails in support and opposition have been received.

Attachment: Location Map

