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May 22, 1998

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DISTRICT OF COLUMBIA
OFFICE OF ZONING

Ms. Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

Re: 434 New Jersey Avenue, SE
Our File No. 091905-0000

Dear Chairperson Hinton:

The purpose of this letter is to apply for a special exception, pursuant to section 3108.1 of the Zoning Regulations, and §203.10, which permits a home occupation to exceed the limitation on the number of employees permitted through obtaining a special exception. It is based on the rejection bythe Zoning Administrator's office of the application of Jack Fields for a home occupation permit. Mr. Fields, a former congressman, is the contract purchaser of a home on Capitol Hill, at the above address. He wishes to operate his government affairs consulting business out of his home, at 434 New Jersey Avenue, SE.

We applied for a home occupation permit on behalf of Mr. Fields (application attached). The Zoning Administrator rejected that application (letter attached) because in Question #17, the applicant indicated that he planned to have three (3) employees (a secretary and two consultants) in addition to himself at the premises.

We are appealing the denial of the permit, for the following reasons:

1) The proposed use with not have an adverse impact on the surrounding neighborhood. As you know, §203.1 of the Zoning Regulations indicates that:

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> The purpose of the home occupation provisions shall be to allow home occupations as accessory uses to residential uses; Provided, that they are compatible with the residential neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while permitting residents of the community to use the home as a workplace and source of livelihood under specific regulatory conditions.

The restriction of the number of persons was based on an assumption that a larger number of employees would be associated with negative impacts on the surrounding community. In this case, however, the major activities of the proposed occupation consist of lobbying and strategic planning with members of Congress and congressional staff and business firms. These activities are typically done outside of the office, through meetings at the clients' offices or with congressmen, senators and/or their staff members. There are very few visitors coming to the premises, therefore, it will not be generating a level of traffic inappropriate for a residence. In addition, a large percentage of the trips which the employees and Mr. Fields will be making, will be to the Capitol and congressional office buildings, which are in the immediate vicinity. These trips are expected to be walking trips, thus they will not be generating an inappropriate number of vehicular trips.

The number of staff members therefore has no direct impact on the residential nature of the neighborhood, and, in light of compliance with all other requirements, represents a modest exception for which relief from the strict application of the Zoning Regulations is appropriate.

2. The proposed use is consistent with the Capitol Interest District. The house is within the Capitol Interest District, a zoning overlay district which recognizes the importance of the Capitol and is designed to promote the "public health, safety and general welfare" of the Capitol precinct. Permitting the historic townhouses south of the Capitol to have a viable economic use, namely, a residence combined with the particular home occupation involved here, serves these purposes.

3. The proposed use will allow a house which has been vacant for almost three years to return to a use which contributes to the residential character of the neighborhood. The New Jersey Avenue property has been on the market for three years without a buyer, and has been vacant a good portion of that time. Finally being able to put a resident into the house will have a positive impact on neighborhood character.

4. The neighborhood already features a mix of commercial and residential buildings. Within a block of the property is a mid-rise office building, and other commercial uses. A home occupation will improve the residential character of the neighborhood

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Ellen M. McCarthy

EMM/