SUPPLEMENTAL STATEMENT
IN SUPPORT OF
BZA APPLICATION NO. 16552

1301 20th Street, N.W. (SQUARE 115, LOT 83)

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

INTRODUCTION

This application is filed pursuant to Section 3104.1 of the Zoning Regulations and requests approval of a special exception (Section 508) to legally establish office uses in Unit 104 and Unit 117 located on the first floor of the Lauren Condominium at 1301 20th Street, N.W. (Square 115, Lot 83). The subject property is located in the DCOD/SP-2 District.

THE SUBJECT PROPERTY AND VICINITY

The subject property is at the northeast corner of the intersection of 20th and N Streets, N.W. It is located approximately one block to the south of Dupont Circle. 1301 20th Street, N.W. is improved with a ten-story structure which was constructed as an apartment building and is now known as the Lauren Condominium. The building contains approximately 22,000 square feet.

The land uses in the vicinity of the subject property include a mix of high-medium density office, hotel, and mixed-use residential/office buildings. Immediately adjacent to the subject property to the east, in the subject square, are office uses. To the south of the subject property, Square 116 is entirely devoted to non-residential uses. Directly across 20th Street from the subject property is the Egyptian Chancery and to the south of the Chancery at 2000 N Street, N.W. is the Embassy Square Suites building which contains a total of 248 units and offers both short-term and long-term residential/hotel rentals. The first floor of this building is predominately devoted to office use. Across New Hampshire Avenue from the Egyptian Chancery are predominately mixed-use buildings along New Hampshire Avenue and residential buildings behind New Hampshire Avenue.

BZA
Case No. 16575
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.16575
EXHIBIT NO.5

SITE ZONING

The subject property is zoned DCOD/SP-2. The DCOD, "Dupont Circle Overlay District", is an overlay district which was adopted by the Zoning Commission in 1991. The purposes of the DCOD zone, set forth in §1501.4 of the Zoning Regulations, speak to the need to control new development for the purpose of restricting density to the maximum permitted in the underlying zone districts, ensuring compatibility with existing historic buildings, maintaining existing residential uses and encouraging greater use of public transportation. The only regulatory provisions of the DCOD include density, minimum area and other restrictions on PUD developments. Limitations on driveways and curb cuts are also prescribed.

The SP-2 District is designed to stabilize the areas adjacent to the C-4 District and to act as a buffer between adjoining commercial and residential areas. SP zoning is designed to preserve and protect areas adjacent to commercial districts which contain a mix of row houses, apartments, offices and institutions at a medium to high density. Offices are permitted with Board of Zoning Adjustment approval. The SP-2 District, allows development to a FAR of 6.0, of which a maximum of 2.5 can be non-residential. It has a height limitation of 90 feet and a lot occupancy of 100 percent for commercial uses.

The Zoning Commission recently adopted text amendments to the SP District (Case No. 97-7) expanding the type of offices uses permitted in the SP Districts from nonprofit and professional office uses to general office uses. Further, the Zoning Commission adopted a new provision (§ 501.3) which modified the SP District to permit, as a matter of right, a substitution of general office uses for nonprofit and professional office uses which had been previously approved by the BZA or Zoning Commission or which were authorized by a validly issued certificate of occupancy.

ZONING HISTORY OF THE SUBJECT PROPERTY

The subject property was constructed in 1973 as an apartment building. It was later converted to a condominium in 1979. The building was the subject of a series of BZA

THE PROPOSED USE

The applicants are seeing to legalize their existing use of their units. No change is use is proposed.

THE SPECIAL EXCEPTION STANDARDS

Office use is permitted in the SP-2 District with BZA approval. The Board can grant that approval if:

(a) The use, height, bulk and design are in harmony with existing uses and structures on neighboring property (Section 508.3); and

(b) the use will not create dangerous or other objectionable traffic conditions (Section 508.4).

Additionally, the Board may require special treatment in the way of design to protect the value of the neighboring property (Section 508.5).

Further, Section 3104.1 of the Zoning Regulations sets forth the general criteria for BZA approval of all special exception uses. It authorizes the BZA to grant special exceptions where "in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map..."

A. The Proposed Use is Compatible with Existing Uses and Structures on Neighboring Property.

The proposed use is compatible with neighboring properties. As indicated above neighboring properties include high-medium density office and mixed use (office/residential) buildings. Neighboring building which, like the Lauren Condominium, were built as apartment buildings have numerous office, particularly medical profession, uses on the lower floors.

applications (BZA No. 15030-15046, 15207, 15246, 15377, and 15418) requesting approval for office use for various units within the building. All of the applications were ultimately consolidated into a single case and decided in June, 1993 with an order issued in 1995. The applications were seeking to legitimize existing office uses in the building. A total of 21 applications were filed for units on the first, second, third, fifth, sixth, seventh, eighth, ninth and tenth floors of the building.

Initially, the Board approved the first set of applications submitted, which included applications from Dr. Hornyak and Dr. Petite. However, as the Board considered several later applications, it reversed itself and denied all of the applications. The Board determined that the overall impact of the proposed office uses would have adverse impacts on the residential uses in the building. An appeal of the BZA Order was later taken by the applicants, challenging a number of procedural aspects of the BZA case including the reversal of the initial decision of the Board. Recently, a decision affirming the BZA decision was handed down in October. The applicants are now seeking BZA approval for office use of their units, only.

EXISTING USE

The Applicant's, Dr. Lynn Hornyak and Dr. Michael Petite, are currently using the condo units at issue: Unit #117 and 104, respectively, for psychotherapy and psychological counseling sessions. Dr. Hornyak is a psychologist and Dr. Petite is a psychiatrist. Counseling is primarily done on an individual basis with occasional couples counseling provided. No group therapy is provided. Sessions begin approximately on the hour and last approximately 50 minutes.

Both applicants see clients during regular business hours Monday-Thursday. No evening or weekend sessions are offered. Further, Dr. Petite does not use his unit on Fridays and Dr. Hornyak uses her unit for writing and reading, but does not see clients on Fridays.

The condo units at issue are located on the first floor of the subject building, near the building lobby and the elevator. The applicants units have their own internal waiting areas and the building lobby is not used for this purpose.

The proposed use is also compatible with existing residential uses within the Lauren the Condominium. The units at issue are probably the least desirable units on the building for residential use. Their ground floor location next to the building lobby and elevators do not lend themselves to quiet residential use. Dr. Hornyak's unit looks out onto the building's trash dumpster. The proposed office uses are quiet uses which operate during the business day when most residents are not home. There is no weekend or evening use of the subject units.

B. **The Proposed Use Will Not Create Dangerous or Other Objectionable Traffic Conditions**

The approval of this application will not cause a dangerous or other objectionable traffic conditions in the area. 20th Street, in front of the subject property, is a major traffic thoroughfare. It is 90 feet wide. N Street, which is just to the south of the site, which is 80 feet wide, is also a major road.

The location of the subject property provides excellent access to public transportation. The site is well served by Metrobus, Metrorail and taxicab service. The nearest red line Metrorail station, "Dupont Circle", is located only one and a half blocks to the northeast of the site.

There are ample on-street spaces and numerous off-street parking facilities available within the area. All streets in the immediate area offer metered parking. In addition, there are numerous private parking garages located within a two block radius of the subject area.

The applicants are not required to provide any additional off-street parking spaces for the amount of special purpose office space proposed in this application. Many of the applicant's clients work in the immediate vicinity and walk or take public transportation to the site.

C. **The Proposed Use is in Harmony with the General Purpose and Intent of the Zoning Regulations**

The proposed special purpose office use of two condo units within 1301 20th Street, N.W. is in harmony with the general purpose and intent of the Zoning Regulations and Map. As indicated above, office use is permitted in the SP-2 District. Office uses on the first floor of residential buildings are very common in this District and certain non-residential uses are even permitted as a matter-of-right in apartment buildings.

D. **The Proposed Use is Consistent with the Comprehensive Plan**

The Land Use Element of the Comprehensive Plan contains four generalized land use maps of the City. These generalized land use maps include the subject property in a high density commercial land use category. The commercial land use category is defined in the Comprehensive Plan as a mix of employment, retail, office, cultural, and entertainment centers constituting the business heart of the metropolitan region. In addition, the Comprehensive Plan text recognizes office space as the predominant use in the square in which the subject building is located. The proposed use of 1301 20th Street, N.W. is clearly consistent with the high density commercial land use designation of the Comprehensive Plan.

CONCLUSION

The applicant seeks a special exception to authorize an existing building to be put to a permitted use. The proposed use is consistent with current uses on property in the surrounding area. The approval of this application will not affect adversely the use of neighboring property nor will it create dangerous or other objectionable traffic conditions. The proposed use is in harmony with the purpose and intent of the Zoning Regulations and Map.

The proposed use is also in accord with the Comprehensive Plan's high density commercial designation of the site.

For all of the above reasons, we request approval of the above-referenced application.

Respectfully submitted,

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