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February 14, 2001

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
Room 210
441 4th Street, N.W.
Washington, DC 20001

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D.C. OFFICE OF ZONING
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Re: 33 Patterson Street, N.E., Square 672, Lot 247,
BZA Case No. 16674

PREHEARING STATEMENT

Dear Mr. Hood and Members of the Commission:

This is the applicant's prehearing statement in connection with the hearing on Case No. 16674 for the subject site. The purpose of the special exception is to permit the subject property to be leased for an Electronic Equipment Facility.

When the Office of Planning requested a moratorium and the imposition of rules and regulations on the development of "cyber hotels" or Electronic Equipment Facilities in the NOMA area, they were concerned about the future development of the properties in the area of a planned metro station. They favor retail uses in NOMA to create a pedestrian ambiance and seek to assure the provision of retail businesses.

However, 33 Patterson Street, N.E. cannot help the Office of Planning achieve the goals directly. It is in the middle of the block on a very narrow street, which is unlikely to attract retail businesses in the future. Moreover, the building is an approximately 16,500 square foot, just one-story, without windows, and built on a slab. Patterson Street, N.E. has virtually no vehicular or pedestrian traffic.

Summary

The subject property was developed for a very special purpose: to hold furs in cold storage during the summer months. It was highly dependent on downtown fur salons such as those at Woodward and Lothrop, Garfinckel's, and other companies which are no longer in business. The original owner went bankrupt. New owners tried to

BZA
Case No. 16674
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16674
EXHIBIT NO.28

continue the fur and business and subsequently attempted to use it for other storage. These attempts proved fruitless. The building has been vacant for at least a year and little interest was shown in leasing the building until companies began to see its potential as a cyber hotel. The building is particularly appropriate for an EEF because it was built to store valuable property and possesses the kind of security that cyber operators find attractive.

Its use as an electronic equipment facility would have no negative impact on the urban fabric. Rather, it would attract office buildings dependent on high speed internet access and facilitate the development of NOMA as an office and retail location.

It has adequate parking (six spaces) for the purpose and can provide, without the usual delay inherent in construction or adaptive reuse, an ideal site for an electronic equipment facility.

Finally, unlike most of the applications previously considered and approved by the Zoning Commission, 33 Patterson is ready to go. The building requires no renovation or adaptation. It is virtually ready to receive a tenant and is likely to be "on line sooner than other buildings in the area. Moreover, unlike the other applicants, the owner has few choices for use of the building. He would stand to lose a considerable investment if he were denied this relief.

DESCRIPTION OF THE APPLICANT

The applicant is the 33 Patterson Limited Partnership, owner of the property at 33 Patterson Street, N.E. c/o Mr. A. Hossein Ejtemai, General Partner, 12331 Hatton Point Road, Fort Washington, MD, 20744. The partnership plans to lease the facility for an electronic equipment facility.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is at 33 Patterson St. N.E., Square 672, Lot 255. The lot is 19,344.90 square feet in the Northwest area of Washington. It contains a one-story building of 16,852 square feet and mezzanine of 597 square feet, built as a fur storage warehouse in 1989. It is a secure facility with no windows or basement. It was constructed on a slab. It has six parking spaces.

B. Area Surrounding the Property

Surrounding the property are warehouses, parking lots, and institutional uses. Bordering the property to the West is parking a lot for the Department of Public and Assisted Housing. Adjacent to the property on the south is the United States Customs

Department garage. Further South is the Department of Public and Assisted Housing and its adjacent warehouse. To the east of the subject property is the DC Department of Education school bus lot. To the north, across Patterson Street, N.E., reading eastward from North Capitol Street to First Street, N.E., is a vacant lot, the Hangar Prosthetics factory, and the Veteran Affairs Community Clinic.

The structure is located in ANC 6A02.

C. Zoning History and Use History

The area is zoned C-3-C, having been changed from CM-3 under which the building was built as a fur storage warehouse just 10 years ago.

REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

A. The proposed use complies with D.C. Zoning Regulations

The applicant satisfies the requirements for grant of the Special Exception. An electronic equipment facility is permitted in a C-3-C Zone District with approval of the Board of Zoning Adjustment, or, under emergency regulations, the Zoning Commission. The Special Exception 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 Zoning Maps.

B. The Proposed use is not likely to create dangerous conditions, objectionable traffic conditions or noise.

The facility is located on a little traveled side street. There will be negligible impact on the traffic since only a small staff of maintenance people is required to keep the equipment running. Visitors will be limited to persons who have contracts with the facility and occasionally need to maintain their own machines. It should be noted that Patterson Street is only one block long (North Capitol to First Street, N.E.) and is only 50 feet wide. It is neither a major connecting route nor a significant destination. Moreover, it is unlikely that any noise will emanate from the building, there being no windows or any uses likely to produce objectionable sounds.

There is sufficient parking on the site for the number of maintenance personnel or visitors anticipated at any one time. There are 6 spaces adjacent to the building and a loading berth inside the building.

C. Benefits of the proposed use

The existence of the electronic equipment facility will spur substantial development of high tech firms in the neighborhood, a feature of the city's plans to develop a Tech District in the area between North Capitol Street, New York Ave, and the railroad tracks.

CONCLUSION

In conclusion, the application by the 33 Patterson Limited Partnership should be approved. The use for an electronic equipment facility is consistent with the current warehouse and institutional uses in the area as well as the office development anticipated by current planning. The applicant satisfies the requirements for grant of the Special Exception: the Special Exception 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 Zoning Maps.

WITNESSES

We anticipate calling one or both of the following individuals as witnesses

A. Mr. Hossein Ejtemai, owner of the property who will speak to various aspects of the application.
B. Jay Hellman, Phd planner who will be called as an expert witness on siting of this facility, its relation to the surrounding uses and the proposed development of the area.

We will need approximately 30 minutes for our testimony.

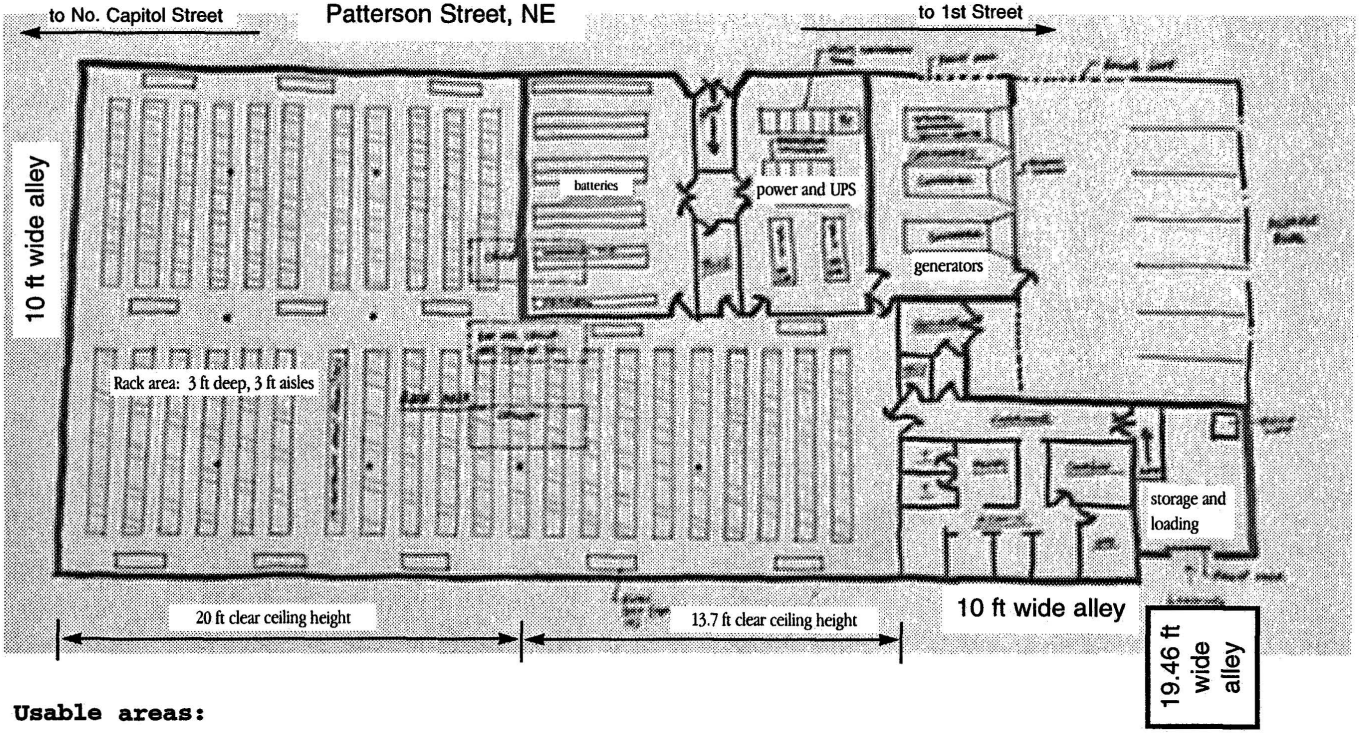
Yours very truly,

Stephen N. Gell, Esq.

33 Patterson Street, NE

A 10 year old, mid-block, free standing, solid masonry (no windows), highly secure building

New York Ave. 1 block



Usable areas:

Rack space (>13.7ft high; 7k sf is 20ft high)	10,000
Support space (switchgear, generators)	2,800
Administrative (office space)	1,600
Storage space	1,000
Generator space	1,000
Parking spaces plus loading lane	2,600

The Hellman Company, inc.
202 879-5500

3[redacted]Patterson Street, NE

A new (10 year old) mid-block building on an "alley" (50 foot r.o.w.)



Main entry



Across street from entry



south, rear from M Street: U.S. Customs Garage



view east along sidewalk



rear and east side adjoining industrial and vacant uses



west side along alley adjacent to parking lot owned by RLA