STATEMENT OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE ZONING COMMISSION

OF THE DISTRICT OF COLUMBIA

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GOVT. OF D.C.

FOR A SPECIAL EXCEPTION

PURSUANT TO SECTIONS 743.2 and 3108 and

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

33 Patterson Street, N.E.
owned by 33 Patterson Limited Partnership

(SQUARE 672, LOT 255)

BZA
Case No. 16674
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO.16674
EXHIBIT NO.3

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Certification by Stephen N. Gell, Esq.

Photographs of the Site

List of Property Owners within 200 feet of the subject property

Site plan with building outlined (Sanborn)

Building plat prepared by the Surveyor of the District of Columbia

Current Certificate of Occupancy

INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of the 33 Patterson Limited Partnership for a special exception pursuant to Sections 743.2 and 3108 of the Regulations of the Zoning Commission, (11 DCMR §§743.2 and 3108) (hereinafter, "Regulations"). The Applicant seeks a special exception to permit the establishment of an electronic equipment facility.

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.

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 which permits an Electronic Equipment Facility but only by special exception. Previously the area was zoned CM-3 and the building was built as a fur storage warehouse under the regulations then extant. It has six parking spaces.

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.

Traffic

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.

Noise

It is unlikely that any noise will emanate from the building, there being no windows or any uses likely to produce objectionable sounds.

Parking

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.

BENEFITS OF 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.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Use

An electronic equipment facility is an appropriate use in the C-3-C district since it serves and encourages development of office buildings. It is permitted under the Zoning Regulations as a compatible use, with BZA approval.

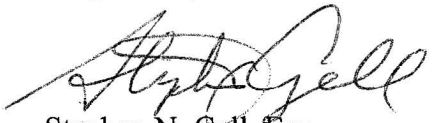
B. Historic Preservation

Historic Preservation regulations and laws do not apply to this site. The building is neither a landmark nor in a Historic District.

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.

Respectfully submitted,



Stephen N. Gell, Esq.