AMERICAN ASSOCIATION OF HOMES & SERVICES FOR THE AGING

2519 Connecticut Avenue, N.W., Washington, D.C. 20008-1520

RECEIVED
D.C. OFFICE OF ZONING
2003 MAR -7 PM 4:17

DETAILED STATEMENT EXPLAINING HOW THE APPLICANT MEETS THE SPECIFIC TESTS IDENTIFIED IN THE ZONING REGULATION FOR A SPECIAL EXCEPTION

The American Association of Homes & Services for the Aging (Herein referred to as "AAHSA") is a District of Columbia corporation located at 2519 Connecticut Avenue, N.W., Washington, D.C. The business has operated at this location since January 18, 2001. The services provided by AAHSA include membership services to not-for-profit long term care providers. The corporation is managed by a Board of Directors. The day-to-day operations of AASHA are conducted by Ms. Lisa Brown Morton, Vice President of Human Resources and Administration.

The American Association of Homes & Services for the Aging owns the building that is located at 2519 Connecticut Avenue, N.W., Washington, D.C.[1] The building is comprised of 30,000 square feet. The building is zoned as WP/C-2-A, commercial with a 1.5 Floor Area Ratio Maximum. Presently, the organization utilizes the second and third floors. The ground floor has remained vacant because AASHA has been unable to lease the space for its designated use. The inability of AASHA to lease its ground floor space for a designated or restricted use in the WP/C-2-A District creates an exceptional condition related to the property that results in a practical difficulty for AASHA to comply with the Zoning Regulations. Notwithstanding, repeated attempts by AASHA or it's to lease the space this condition continue to the point where it now threatens the economic viability of the organization.

AASHA needs to generate sufficient income to assist it in meeting the organization's financial obligations in connection with the outstanding bond issued to finance the development and purchase of the building. The bonds were underwritten by the District of Columbia Government as part of its Revenue Bond Program. AASHA, therefore is seeking a special exception or in the alternative a variance from Sections 1302.2 and 1304.1 of the Zoning Regulations to lease the ground floor for office use.

[1] Square 2202 and Lot 116

BZA
Case No. 17011
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO. 17011
EXHIBIT NO. 9

The ground floor has 5,000 square feet available for street level retail, office and services use. The requested relief is for AASHA to be permitted to lease the entire ground floor (5,000 Sq. Ft.) for office use by the firm of Long and Foster to provide realtor services to the neighboring community.

The Board of Zoning Adjustment has jurisdiction over a number of matters including applications for variances from strict applications of the Zoning Regulations, applications for special exceptions to allow certain uses, and appeals from the decisions of government officials involving zoning matters.

AASHA seek a special exception or in the alternative a variance to modify the terms of the agreement incorporated in its Summary Order in Application No. 16335 and from strict application of the Zoning Regulations pursuant to DCMR Title 11, Sections 1302.2 and 1301.4 to establish office use in the entire ground floor space in the Woodley Park/C-2-A District. The Board of Zoning Adjustment has authority to grant special exception under provisions of DCMR Title 11, Section 3104.1, which states as follows:

> *"Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, 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 Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps, subject in each case to the special conditions specified in Title 11 DCMR.*

In addressing these standards the Applicant must address the following:

1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and
2. How allowing the use will not adversely affect the use of the neighboring property – i.e., traffic, noise, lighting, etc.

The proposed use for office on the ground floor is consistent with the general intent and purpose of the Zoning Regulations and Map. AASHA is located in the Woodley Park Neighborhood Commercial Overlay District which was established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services. (See DCMR Title 11, Section 1300.1)

The designated uses listed are required to occupy no less than fifty percent (50%) of the gross floor area of the ground level of the building, subject to certain restrictions. It is therefore reasonable to assume that the remaining fifty percent (50%) could be occupied by other non designated or restricted uses, including office use. Accordingly the concept of office use on the ground floor in the WP/C-2-A is not inconsistent with the Regulations nor does such use substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. In fact, the Regulations provide for a mix of uses including services to the neighboring community. (See DCMR Title 11 Section 1300.l) The proposed use while exceeding the fifty percent (50%) requirement will house a business that by its very mandate provides an essential service to the community. The proposed use is to accommodate a lease with the firm of Long and Foster to provide realty services to the community.

The development and construction of the subject property was pursuant to a variance approved by the BZA in a Summary Order dated April 15, 1998 on Application No. 16335. The order was conditioned on an agreement between AASHA and the WPCA dated April 13, 1998 to include retail uses on the ground floor. In response to AASHA request, the Board of WPCA voted on February 27, 2003 to modify the agreement and approve the lease between AASHA and Long and Foster for use of the ground floor for office use. AASHA has been informed that both WPCA and ANC 3C support the application for special exception.

Allowing AAHSA to use the ground floor of the subject property as office space to be used by Long and Foster will not adversely affect the use of the neighboring property – i.e., traffic, noise, lighting, etc. AAHSA is located on the Southeastern corner of Connecticut Avenue and Calvert Street. There are no neighboring properties to the South of the subject property and the nearest property is located on the Northeastern corner of Connecticut Avenue and Calvert Street. The subject property has underground parking sufficient to accommodate the proposed use. The noise of office use if any would be minimal and would be consistent with that other office uses in the building and the neighboring community. There will be no exterior lighting other than that presently at the subject property and that lighting has not adversely impacted neighboring property.

The proposed use will not only not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map, but will benefit the District, the neighboring community and AAHSA. The District will benefit from increased revenue and AAHSA's ability to service its bonds. The neighborhood will benefit from the location and proximity of a business that will provide a needed service. AAHSA will benefit from the ability to lease the ground floor space and generate the revenue needed to support its bond obligations. AAHSA has reason to believe that this position is also supported by the affected community as evidenced by the formal approval of both the ANC and the WPCA as to the proposed use.