BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of American Association
Of Homes & Services for the Aging, Inc.

BZA Application No. 17011
Public Hearing May 13, 2003
Advisory Neighborhood
Commission 3C01

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PRE-HEARING STATEMENT OF
AMERICAN ASSOCIATION OF HOMES & SERVICES FOR THE AGING, INC.
2519 CONNECTICUT AVENUE, N.W., WASHINGTON, D.C.

This Pre-Hearing Statement is submitted on behalf of the Applicant, the American Association of Homes & Services for the Aging, Inc. (the "Applicant"), by its counsel, David W. Wilmot, Esq. of Harmon, Wilmot & Brown, LLP

I.

Nature of Relief Sought

This is an application seeking a special exception under the provisions of the District of Columbia Municipal Regulations (DCMR) Title 11, Sections 1302.4 and 1304.1 and in the alternative seeking a variance under Section 1304.2 to modify an existing use in the Woodley Park Neighborhood Commercial Overlay/C-2-A District to establish office use in the entire first (ground) floor space at the premises located at 2519 Connecticut Avenue, N.W., Washington, D.C., at lot 116 in Square 2202 ("the property")

II.

Jurisdiction

The Board has jurisdiction in this application pursuant to 11 DCMR §3104.1 and §3103.2.

III.

Property Description

The Property is located at the southeast corner of the intersection of Connecticut Avenue and Calvert Street. The property is improved with a three (3) story brick building and three (3) levels of underground parking. The building is comprised of 30,000 Square feet. The building which is owned and occupied by The American Association for Homes & Services for the Aging, Inc. was constructed in December of 2001. The development and construction of the subject property was pursuant to a

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variance approved by the Board of Zoning Adjustment (BZA) in a Summary Order dated April 15, 1998 on Application No. 16335 for construction of a building with retail and office space in a WP/C-2-A. Further, the order was conditioned on an agreement between AAHSA and the WPCA dated April 13, 1998 to include retail uses on the ground floor.

A. Zoning of the Property

The building is zoned as WP/C-2-A, commercial with a 1.5 Floor Area Ratio Maximum. Presently, AASHA utilizes the park (basement), second, third floors and a portion of the first (ground) floor and the entire second and third floors of the building.

B. Surrounding Neighborhood

The subject property 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. The property is located on the southeast corner of Connecticut Avenue and Calvert Street. There are no adjoining or adjacent properties to the property.

C. Existing use of the Property

Presently, AASHA utilizes the park (basement), second, third floors and a portion of the first (ground) floor for its offices. The first (ground) floor retail/commercial space has remained vacant because AAHSA has been unable to lease the space for its designated or restricted use.

D. Continued Use of the Property

AASHA by the subject application, proposes to continue to use the property consistent with the requirements of BZA Order No. 16335 and the agreement between AASHA and the WPCA dated April 13, 1998, and as it is to be amended by the parties consistent with AASHA request for a Special Exception to use the entire first (ground) floor for office use. The ground floor retail/commercial space (approximately 5,002 sq. ft.) has remained vacant because AASHSA has been unable to lease the space for its designated and/or agreed upon use. The inability of AASHA to lease the 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 AAHSA or its agents to lease the space this condition continues to the point where it threatens the economic viability of the organization. AASHA therefore proposes to lease the space (5,002 sq. ft.) to the firm of Long and Foster to use as offices to provide residential realty services.

E. Parking Provisions

The subject property has underground parking sufficient to accommodate the proposed use.

IV.
Justification for Special Exception Sought

An application for a special exception must address the following requirements:

> (1) The proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and
>
> (2) Allowing the use will not adversely affect the use of 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 service. (See DCMR Title 11, section 1300.1)

The designated uses listed are required to occupy no less that 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 Zoning Regulations and Map. In fact, the Regulation provide for a mix of uses including service to the neighboring community. (See DCMR Title 11 Section 1300.1) 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 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. We are seeking and expect the approval of the WPCA and ANC 3C01 for the special exception.

Allowing AASHA to use the entire first (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. AASHA is located on the

Southeastern corner of Connecticut Avenue and Calvert Street. There are no neighboring properties to the East, West or South of the subject property and the nearest property is located on the Northeastern corner of Connecticut and Calvert Street. The noise of office use if any would be minimal and would be consistent with the 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 AASHA. The District will benefit from increased revenue and AASHA's ability to service its revenue bonds that were issued by the District. The neighborhood will benefit from the location and proximity of a business that will provide a needed service. AASHA will benefit from the ability to lease the ground floor space and generate the revenue needed to support its bond obligations.

The relief sought by the Applicant can be granted without any detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board should note that on February 26, 2003 the Board of Woodley Park Community Association voted to modify the agreement with AASHA and to approve the lease with Long and Foster provided certain conditions are met. We are optimistic that the conditions will be met. Further, on April 21, 2003 AAHSA met with representatives of ANC 3C to request support for the application for special exception and expect to receive the ANC's formal approval for the application at its meeting on April 28, 2003.

V.
Witness List

In support of this Application, the Applicant will present the following witnesses at the hearing:

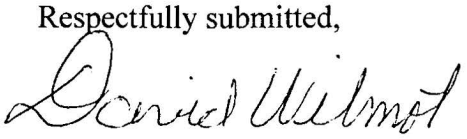
1. Ms. Lisa Brown-Morton, Vice President of Human Resources and Administration, American Association of Homes & Services for the Aging, Inc.
2. Mr. Jim Farrell, Principal, Madison Group
3. Mr. James Killette, Architectural Consultant

VI.

Conclusion

For the foregoing reasons, and on the basis of the evidence submitted with the application, it is respectfully submitted that the subject application satisfies the legal requirements applicable to the requested relief and that it therefore be granted.

Respectfully submitted,



HARMON, WILMOT & BROWN, LLP
David W. Wilmot

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Applicant's Pre-Hearing Statement was mailed, first-class, postage prepaid, this 24th day of April 2003, to:

Advisory Neighborhood Commission 3C01
2626 Woodley Place N.W.
Washington, D.C. 20008
Attn: Mr. John Hahn

Woodley Park Civic Association
c/o Ms. Andrea Ferster, Esq.
1100 17th Street, N.W., 10th Floor
Washington, D.C. 20036

David W. Wilmot