

Burden of Proof Statement
Application No. BZATmp1191

FOUNDATION
TO SUPPORT
ANIMAL
PROTECTION

As set forth in greater detail below, the above-referenced application submitted by Foundation to Support Animal Protection meets each element of the review standards for special exceptions specified in D.C. Mun. Regs. Tit. 11-X, § 901.

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley
2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-7382

Info@fsap.org

1. The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property at 1536 16th St. NW is located in Mixed-Use zone 15 (MU-15). FSAP's intended use:
 - a. is in line with the MU zones' provision for "mixed use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities," D.C. Mun. Regs. Tit. 11-G, § 100.1, with the MU zones' design "to provide facilities for housing, ... and business needs, including residential, office, [and] service ... centers," *see id.* § 100.2, and with the purpose of MU zones' to "[p]rovide for a varied mix of residential, employment, ... service, and other related uses at appropriate densities and scale throughout the city." *id.* § 100.3(b), because the use will maintain a portion of existing office space and provide free accommodations solely to a limited number of visiting staff and business guests who will use the remaining office space.
 - b. will be consistent with the purposes of the MU zones to "[p]rovide for the orderly development and use of land and structures in the MU zones," "[r]eflect a variety of building types," "[e]ncourage safe and efficient conditions for pedestrian and motor vehicle movement," "[e]nsure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas," [p]reserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities," and "[e]nsure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces," *id.* § 100.3(a), (c)-(g), because the use will not involve a change to the exterior of the building.
 - c. will be consistent with the purposes of the Dupont Circle Mixed-Use zones (MU-15 through MU-22) to "[r]equire a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensure a general compatibility in the scale of new buildings with older, low-scale buildings," "[p]rotect the integrity of 'contributing buildings', as that term is defined by the Historic Landmark and Historic District Protection

Board of Zoning Adjustment
District of Columbia
CASE NO.20319
EXHIBIT NO.7

FOUNDATION
TO SUPPORT
ANIMAL
PROTECTION

Washington, D.C.

1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles

2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk

501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley

2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-7382

Info@fsap.org

Act of 1978,” “[p]reserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide,” “[e]nhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue,” and “[e]ncourage greater use of public transportation and the free circulation of vehicles through public streets and alleys,” *Id.* § 600.1(a), (c)-(f), because the use will not involve a change to the exterior of the building.

- d. The use will “[e]nhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development,” *id.* § 600.1(b), because the use will not involve a change to the exterior of the building and regular density will not change, and may in fact decrease, because the number of visiting staff and guests who use the accommodations at any given time will be limited to no more than ten and most staff who currently work in the office will be working remotely.
 - e. will be consistent with the development standards set forth in *id.* §§ 601-602 because the Floor Area ratio will not change and is 2.34.
 - f. will be consistent with the height standards in *id.* § 603 because the height of the building will not change.
2. The special exception will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps because, as stated above, the use will not involve a change to the exterior of the building and regular density will not change.
 3. The special exception will meet all relevant special conditions specified in D.C. Mun. Regs. Tit. 11-U, § 504.1(f):
 - a. The height, bulk, and design of the lodging use will be in harmony with existing uses and structures on neighboring property because the use will not involve a change to the exterior;
 - b. The approval of the lodging use will not change, and accordingly will maintain, the current balance of residential, office, and lodging uses in the zones in the vicinity of our building because lodging will be private for a limited number of visiting staff and business guests only and not open to the public.
 - c. § 504.1(f)(4) is inapplicable and satisfied because the lodging will be private for a limited number of visiting staff and business guests only, the building is not a hotel, and accommodations will not be open to the public.
 - d. § 504.1(f)(5) is inapplicable and satisfied because there will be no main lobby or registration desk as the lodging will be private for a limited number of visiting staff and business guests only, the building is not a hotel, and accommodations will not be open to the public.
 - e. There will be no impact to parking and traffic on surrounding streets because, as stated above, density is not expected to change,

and furthermore, we have six private on-site parking spaces and will continue to encourage visitors and staff to commute to and from the building using public transportation, taxicabs, or ride-sharing.

- f. § 504.1(f)(6) is inapplicable and satisfied because the use will not involve adding driveways, access roads, and other circulation elements.

FOUNDATION
TO SUPPORT
ANIMAL
PROTECTION

Washington, D.C.

1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles

2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk

501 Front St.
Norfolk, VA 23510
757-622-PETA

Berkeley

2855 Telegraph Ave.
Ste. 301
Berkeley, CA 94705
510-763-7382

Info@fsap.org