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July 15, 2013

BY HAND

Lloyd Jordan, Chairperson  
District of Columbia Board of Zoning Adjustment  
441 Fourth Street NW, Suite 210 South  
Washington DC 20001

**Kinley R. Bray**

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**Reference Number**  
**030919 00008**

Re: Corrected Pre-Hearing Statement - Case No 18590

Dear Chairperson Jordan and Members of the Board

Enclosed for filing is an original and 20 copies of the Applicant's prehearing statement in Case No 18590. We look forward to presenting this case to the Board at its July 30, 2013 hearing.

Sincerely,  


Kinley R. Bray

Enclosure(s)

cc Advisory Neighborhood Commission 5C  
DC Office of Planning  
Jeff Bonvechio  
Chris Wright  
Ellen McCarthy  
Brian Ackerman  
Emer O'Donovan  
Brandice Elliott (by hand)

**BOARD OF ZONING ADJUSTMENT**  
District of Columbia  
CASE NO 18590  
EXHIBIT NO 21

GENBUS/936669 1

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

**Application of:**  
**District of Columbia Public Library**

**BZA Application No: 18590**  
**Hearing Date: July 30, 2013**

**CORRECTED PRE-HEARING STATEMENT OF THE APPLICANT**

**I. INTRODUCTION**

This is a self-certified application, pursuant to 11 DCMR §3103.2, for a variance from the off-street parking requirements found in Section 2101.1 of the Zoning Regulations<sup>1</sup>. The applicant, the District of Columbia Public Library (“DCPL” or “Applicant”) proposes to construct a new full-service neighborhood library on the site of the Woodridge Neighborhood Library at 1801 Hamlin Street, N.E. (Square 4210, Lot 825) (the “Property”). This filing supplements the application documents originally filed by the Applicant. It should be noted that there have been a few minor changes to the site layout and building footprint, which are reflected on the revised architectural drawings and plat attached as Exhibit A hereto. The Applicant submits that it meets the criteria for the requested relief.

**II. JURISDICTION**

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to 11 DCMR § 3103.2.

**III. BACKGROUND INFORMATION**

**A. The Property and Surrounding Neighborhood.**

The property is located on the southeast corner of the intersection of Hamlin and 18<sup>th</sup> Streets, N.E., immediately south of Rhode Island Avenue, N.E. The Property contains approximately 20,812 square feet of land area and is zoned C-2-A.

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<sup>1</sup> Title 11, District of Columbia Municipal Regulations

The Property is improved with a full-service neighborhood library constructed in 1958. The existing Library building is situated on the northern portion of Square 4210, the Property slopes to the south, where it is separated from federal park land (Langdon Park) by a 15 foot wide alley. The alley provides access to a small surface parking lot on the Property behind the existing library building, which will remain following construction of a new library building. The lot is unstriped, but has space for at least 11 vehicles. The existing library building is set back from the eastern property line by approximately 20 feet. Immediately adjacent to the east is a single-family dwelling. The western side of the Property abuts 18<sup>th</sup> Street, which has two (2) through lanes (one in each direction) and two (2) parking lanes (on either side of the street). The Property is irregular in shape and is bounded by Albemarle Street to the north, Wisconsin Avenue to the east, a private driveway and St. Ann's Roman Catholic Church and School to the south/southwest, and Bernard T. Janney Public Elementary School to the southwest and west.

The Property is located on Hamlin Street, N.E., just south of the intersection with Rhode Island Avenue, a major arterial, and is approximately one (1) mile away from the District of Columbia border with Prince George's County, Maryland. Hamlin Street is zoned R-1-B and is generally characterized by large, single family homes on relatively large lots. To the west and south of the north of the Property, there are small commercial buildings or non-profit entities, including churches, along Rhode Island Ave. The rest of Square 4210 is comprised of National Park Service land, improved with four tennis courts, basketball courts, and a small amphitheater, mostly on the southeastern portion of the park. Approximately 23 dwellings are located in Square 4210, mostly along Hamlin Street and the southern portion of 20<sup>th</sup> Street.

The Property is currently zoned C-2-A, generally considered a moderate-density commercial or mixed-use zone, in which public library use is permitted as a matter of right. The

Property is designated “Mixed-Use Moderate Density Commercial / Medium Density Residential” on the Future Land Use Map of the Comprehensive Plan, and the area features a wide variety of land uses, from auto repair, small retail and religious institutions along Rhode Island Avenue to single-family residential and some low- and moderate-rise apartments in the surrounding area. In addition, the Generalized Policy Map of the Comprehensive Plan shows the area around the library as a Main Street Mixed Use Corridor. The Comprehensive Plan notes that such areas may vary in the size of the market served, but “their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.”

#### **IV. THE PROPOSED DEVELOPMENT**

##### **A. Proposed Use.**

As part of its 21<sup>st</sup> Century Capital Construction Project, DCPL has identified Woodridge Neighborhood Library for replacement. DCPL has developed certain minimum standards for physical facilities and programs in its 21<sup>st</sup> Century Capital Construction Project. These standards are based on best practices for library facilities throughout the country and on the needs of the District of Columbia Public Library patrons.

The 21<sup>st</sup> Century Capital Projects Standards include

- 1) A building which is “a destination, an anchor, a place for learning and meeting that is welcoming and comfortable for the whole community;”
- 2) Facilities providing a minimum of 20,000 to 22,000 square feet of gross floor area, designed in a flexible manner to accommodate future change, and
- 3) A requirement to include principles of sustainable design, with new facilities meeting the United States Green Building Council’s Leadership in Energy and

Environmental Design (LEED) certification standards and complying with the recently-enacted District of Columbia Green Buildings Act, which requires such certification (at a Silver rating) for all new District of Columbia government facilities.

Libraries also must be ADA-accessible on both the interior and exterior, providing appropriate ramps and elevators to allow access to all public portions of the library for all patrons from a single point of entry so as not to segregate disabled patrons from the general population using the Library. Bicycle racks, accessible parking convenient to building entrances, lighting, signage, and landscaping are all an integral part of providing a welcoming and convenient facility for all.

The Applicant proposes to replace the former library with a new, 22,000 square-foot, modern neighborhood library. DCPL has engaged the renowned architectural firm Bing Thom Architects, along with a local team of award-winning architects from Wiencek & Associates to design the new facility. The new library has a sleek, modern design. The proposed facility will consist of two main stories and a partial third floor reading lounge. In compliance with the District of Columbia Green Buildings Act of 2006, the building is being designed with sustainable materials and efficient mechanical systems, and must achieve a LEED (Leadership in Energy Efficient Design) Silver rating; however, the D.C. Public Library's facilities standards require all new buildings to reach LEED Gold status.

The entrance to the building will be located on Hamlin Street N.E., just east of the intersection with 18<sup>th</sup> Street. A secondary entrance will also be located on Hamlin Street to provide after-hours access to and egress from the community room in the building. Parking will continue to be provided at grade on the southern portion of the Property, where the unstriped lot currently exists. The new library has been designed to be a destination in the community with

services and places for learning and meeting that are welcoming and comfortable for the entire community and for all individual constituencies within that community to use

The minimum number of parking spaces for a full-service neighborhood public library in a non-residential zone is 1 space per 1,000 square feet of gross floor area in excess of 3,000 square feet. 11 DCMR § 2101.1 Based on the gross floor area proposed, 11 DCMR § 2101.1 would require a total of 20 spaces. The constraints of the site, as described below, only allow for 11 spaces, therefore, the Library seeks a variance of 9 spaces.

**B. Relief Requested.**

The Applicant seeks a variance from the off-street parking requirements of 11 DCMR § 2101.1 to reduce the required parking by 9 spaces

**V. VARIANCE CRITERIA**

The Board is empowered to grant an area variance where it finds three conditions.

- (1) The property is unique because, *inter alia*, of its size, shape, or other extraordinary or exceptional situation or condition relating to the property,
- (2) The owner would encounter practical difficulties if the zoning regulations were strictly applied, and
- (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

*Washington Canoe Club v. District of Columbia Zoning Commission*, 889 A.2d 995 (D.C. 2005); *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. May 15, 1995)(citing *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)). See also *Gilmartin v. District of Columbia Board of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990)(Practical difficulties or hardships must be due to the unique circumstances

peculiar to Applicant's property and not to the general conditions in the neighborhood, however, the statute does not preclude the approval of a variance where the uniqueness arises from a confluence of factors) *See also Monaco v District of Columbia Board of Zoning Adjustment*, 407 A 2d 1091 (When a public service organization has inadequate facilities and applies for a variance, the Board of Zoning Adjustment may consider the needs of the public and the organization as other possible extraordinary or exceptional situation or condition of a particular piece of property. In addition, public need for a use is an important factor in granting or denying a variance)

**A. Uniqueness.**

The site sits on a slope, generally sloping down to the south from the highest ground at Rhode Island Avenue. In addition to the particular programmatic needs of the Library to match the general facilities standards adopted for all Neighborhood Libraries in the system, which, under *Monaco*, may be considered extraordinary conditions inherent in the Property, the site is also constrained by small size and poor soil conditions, which do not allow the excavation for underground parking. The Property is just over 20,000 square feet, which is smaller than several of the other Neighborhood Libraries in the Library System (compared with, for example, the Frances A. Gregory, Benning at 25,000 square feet, and Washington Highlands at 29,793 square feet) which have also received parking variances. The small size and unstable soil conditions at the property make it extremely costly to provide a stable excavation and adequate underground parking to meet the requirements of the Zoning Regulations.

## **B. Practical Difficulties.**

Structured parking is not economically feasible. Due to the size of the site, the Library would have to excavate at least four levels to facilitate the ramps, drive aisles, and minimum parking space dimensions in order to satisfy the minimum number of spaces required by 11 DCMR § 2101.1. In addition, the soil at the site is of poor quality, and extremely unstable. Although the architects would have liked to take advantage of the sloping site to provide parking under the building, the site soil conditions make that impossible. In fact, because of the unstable soil, a substantial portion of the lower level of the existing building was never excavated. Digging the existing foundation and building above would have required driving piles and building atop pile caps; the original structure was instead constructed using a slab on grade for the northern half of the building to avoid the significant cost and disruption of driving piles, while the rear/southern portion was excavated to allow space for mechanical equipment. The Library originally intended to use this southern portion for continued mechanical space, however their engineers have concluded that to do so would be unwise and cost prohibitive due to the unstable soils. Instead, the consultants recommended adding ten (10) feet of depth of compacted geotechnical fill for most of the previously excavated portion of the site, and adding another slab on top of the compacted fill and the remaining slab for the existing building, then constructing the new library on top. This workaround makes it impossible to place underground parking below the building.

Moreover, even if the Library's budget would allow the inclusion of costly underground parking, providing such parking would penalize the building in terms of compliance with LEED requirements, generating additional, more costly measures to accumulate sufficient LEED points to qualify for the Silver rating required of the project by the District of Columbia Green Building



Act of 2006 and the Gold rating the Library has adopted as a standard. Even if providing underground parking were economically feasible, the additional cost of creating underground parking and the difficulty of incorporating the ramps and parking given the site constraints collectively constitute serious practical difficulties in meeting the strict application of the Zoning Regulations on this site

It has been well-established in previous Library cases before the Board that the District of Columbia Public Library has adopted a set of standards for its modernizations, which include program needs that are distinct to this extraordinarily important public service. These program standards include a standard minimum square footage of approximately 22,000 square feet, separation of patron spaces, community meeting rooms that can be accessed outside of regular library hours, and other standard facilities to be constructed at all Neighborhood Libraries

Theoretically, there are three potential ways in which the full parking requirement of 20 spaces could be accommodated on the site. First, given the proximity of the site to other public lands, the Library could seek to enlarge the site. This is not possible, however, since the site is bounded on two sides by public streets, on the east by a single-family dwelling, and to the south by National Park Service, rather than District of Columbia controlled land

Second, the Library explored adding an additional row of parking at the rear of the building. But because the Zoning regulations require a nine (9) foot length for parking spaces, plus a twenty (20) foot wide drive aisle when double-loading, there is simply not enough room to accommodate any additional parking and the required drive aisles on the Property. The site is only 124 feet from north to south. In the current design, 9 feet of that is already consumed by the 11 parking spaces that will be provided. Adding a second row would mean that a minimum of 38 feet, or almost one-third of the lot would be taken up by parking. It is not possible to

accommodate this amount of space for parking and still achieve the program requirements that must be met on the ground floor, including book drop, circulation, staff work areas, the children's room, restrooms, and a community meeting room with separate access to the building for use after regular hours. The remainder of the space is necessary for circulation within the building (aisles, elevator, and two sets of stairs), plus mechanical systems. These ground floor requirements make it impossible to provide any more surface parking on the Property.

Moreover, providing additional surface parking on the site could penalize the building in terms of compliance with either LEED Silver (as required by law) or LEED Gold (as required by the Library's standards), generating the need for additional, more costly measures to accumulate sufficient LEED points. In addition, to meet stormwater management requirements set by DC Water, and to achieve LEED points, the architect has called for the construction of an extensive green roof and skylights to provide natural lighting for the interior. These features, while highly desirable and important to LEED compliance, limit the amount of mechanical equipment that can be located on the roof. Reducing the size of the building to accommodate surface parking will present further challenges in meeting the program requirements, creating a further, and substantial, practical difficulty in putting more parking underground to comply with a strict interpretation of the Zoning Regulations.

Third and finally, the Library explored meeting its parking requirement by providing underground parking, but as described above, even if the challenging soil conditions could be addressed without the installation of fill and another slab on grade (which in and of itself bars the use of a lower story for parking), to achieve 20 on site parking spaces, at least four levels would have to be excavated, adding substantial cost to the project that the Library's public sector budget cannot accommodate.

**C. No Adverse Impact.**

The requested relief can be granted without harming the public good or impairing the intent, purpose, and integrity of the zone plan. First, the project is largely intended to serve the residents of the area; it is a neighborhood library. The previous library structure on the Property, although smaller than the proposed structure, did not meet the requirements of the Zoning Regulations with respect to parking. This has not engendered complaints from the patrons or the surrounding community.

As detailed in the attached traffic study (Exhibit B), there are eight full time staff members at the Woodridge Library, six of whom drive to work and regularly park on Hamlin Street, leaving the lot available for patrons of the library. The Library also conducted a patron survey that demonstrated approximately 53% of patrons drive to the Property on weekdays and 49% of patrons drive to the library on weekends. Sufficient on-street parking is available to accommodate these personal vehicle trips.

The Property is well-served by transit. The site is essentially equidistant from two Metrorail Stations (Brookland-CUA and Rhode Island Ave) and 11 Metrobus lines serve the Property along Rhode Island Ave and 18<sup>th</sup> Street.

**VI. WITNESSES**

Jeff Bonvechio, Director of Capital Projects, will testify on behalf of DCPL as to the condition of the Property at present, the history of planning for this facility, and the standards for developing new library facilities under the 21<sup>st</sup> Century Capital Projects Program.

Hal Zazlow, AIA, or Emer O'Donovan, AIA of Wiencek Architects will testify, as an expert in architecture, in relation to the design of the proposed facility, how the design implements the program requirements of DCPL, and the adverse impacts that would be created.

by strictly complying with the requirements of the Zoning Regulations Mr Zaslow's and/or Ms O'Donovan's curriculum vitae will be provided in advance of the hearing

Jam1 Milanovich, P.E , of Wells + Associates, who has previously been accepted by this board as an expert in transportation engineering and traffic planning, will testify as to her traffic study and the potential impacts of the requested parking variance on the road network. Ms Milanovich's curriculum vitae will be provided in advance of the hearing

Finally, Ellen McCarthy, Director of Planning and Land Use for Arent Fox, who has previously been accepted by this Board as an expert in planning and zoning, will provide expert testimony addressing how the application meets the tests for variance relief under 11 DCMR § 3103.2 Ms. McCarthy's curriculum vitae will be provided in advance of the hearing

We reserve the right to call additional witnesses and to present additional evidence as necessary at the hearing. We estimate that our presentation will require approximately 45 minutes of the Board's time

## VII. CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the variances requested, such relief may be granted.

Respectfully submitted,

ARENT FOX LLP

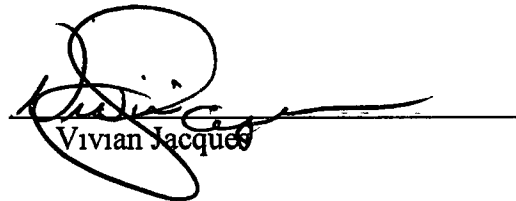
By   
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of July, 2013, a copy of the foregoing was mailed, first-class, postage pre-paid, to

Advisory Neighborhood Commission 5C  
PO Box 2618  
Washington, DC 20001

District of Columbia Office of Planning  
2000 14<sup>th</sup> Street, N.W., Fourth Floor  
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Attention. Jennifer Steingasser, Joel Lawson, Brandice Elliott

  
Vivian Jacques