STATEMENT OF EXISTING AND INTENDED USE

**Application of D.C. Government/Department of Parks and Recreation**

June 20, 2005

This statement ("Statement") is of the existing and intended use of the proposed building and an explanation as to the manner in which the application ("Application") of the D.C. Department of Parks and Recreation ("Applicant") meets the specific tests and burden of proof identified in the Zoning Regulations for the two special exceptions and three area variances and one use variance, if necessary (and in the alternative), as described below. This Statement is submitted on behalf of the Applicant by its attorneys, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esquire and Lyle M. Blanchard, Esquire.

Summary of Application. The Application seeks relief as follows:

(A) pursuant to 11 DCMR §3104.1 for special exceptions to allow (i) the percentage of lot occupancy to exceed 20% (§403.3) and (ii) a public recreation and community center to exceed 40,000 square feet (§408.1);

(B) (B) pursuant to 11 DCMR §3103 for area variances (i) to allow the height of a proposed public recreation and community center building to exceed 45 feet (§400.14), (ii) from the requirement that one parking space be provided for each 2000 feet of gross floor area of such a community center building (§2101.1) and (iii) from the requirement that automobile parking spaces be a minimum of nine (9) feet in width and nineteen (19) feet in length (§2115.1) and;

(C) pursuant to 11 DCMR §3103, if necessary (in the alternative), a use variance to allow office use for incubator and training space (§350.4) by the D.C. Department of Parks and Recreation on the fourth floor of a public recreation and community center in the D/R-5-B and R-5-B Districts at premises 2809 15th and 1480 Girard Streets, N.W. (Square 2667, Lot 74).

Property Description; Current Use; Existing Zoning. The property is located at 2809 15th Street, N.W. and 1480 Girard Street, N.W. (Square 2667, Lot 74) ("Property" or "Site"). The current use of the Property is recreational park and playground. A portion of the site, on which the proposed public recreation and community center building will be constructed, is vacant. (See copies of the building plat in Exhibit "5" and the existing conditions plan in Exhibit "8".)

The property is bounded on the north by Girard Street, N.W., on the west by 15th Street, N.W., on the south by a residential apartment building, and on the east-by single-family homes. The western 150 feet portion of the Site is zoned D/R-5-B and the remainder of the site, which constitutes the park and playground, is zoned R-5-B.



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Intended Use; Proposed Structure. The Applicant intends to construct a four-story building for use as a public recreation and community center on the vacant portion of the Site. In addition to a wide range of recreation and community center functions and activities, the center will include training and educational incubator space on the fourth floor for a limited number of Department of Parks and Recreation ("DPR") staff to develop new program concepts for the Columbia Heights community. If successful, these program concepts will be used at other centers across the District of Columbia. One-eighth (12.5%) of the proposed community center building (approximately 5,940 square feet) will be devoted to the training/incubator function. [The Applicant believes that the incubator/training space is a use permitted by the definition of a "public recreation and community center." However, in the event the Board disagrees with the Applicant's interpretation, the Applicant has requested – in the alternative -- a use variance for this space.]

The proposed structure will (i) be 53' 6" in height (which exceeds the 45' limit allowed in this zone for a public recreation and community center), (ii) occupy 23% of the lot with a building footprint of approximately 13,120 square feet (which exceeds the 20% lot occupancy maximum) and (iii) have a total gross floor area of 47,330 square feet (which exceeds the 40,000 square feet limit). The center will provide eight (8) indoor parking spaces (which is less than the 22 spaces required). However, the center is designed to serve the immediate neighborhood and thus it is anticipated that its users will walk to the center. In addition, overflow parking for the community center would be accommodated a few blocks away at the DPR headquarters building located at 3147 16th Street, N.W.

Satisfaction of Burden of Proof for Special Exceptions and Variances. With regard to the special exceptions requested, the exceptions are in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. With regard to the variances requested, the property is unique by reason of its exceptional narrowness along 15th Street and its unusual "L" shape. Strict application of the Zoning Regulations would result in a peculiar and exceptional practical difficulty or, with respect to the requested use of a portion of the 4th floor for incubator/training space in the alternative, undue hardship. The proposed recreation and community center will also provide substantial benefits to the community and will not create substantial adverse impacts or detrimental effects on the public. [The Applicant will submit prior to the hearing additional information that demonstrates that the tests for the special exceptions and variances have been met.]

Conclusion. For the reasons set forth above and other reasons to be provided prior to the hearing, the D.C. Department of Parks and Recreation, by and through counsel, submits that the Application has satisfied (and will satisfy) all applicable zoning requirements and the requisite burden of proof and, therefore, should be granted.

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Respectfully submitted,

GREENSTEIN, DELORME & LUCHS, P.C.

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