

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

APPLICATION OF:	)	
	)	
	)	BZA Case No. 19257
	)	
DISTRICT OF COLUMBIA PUBLIC LIBRARY	)	Hearing Date: May 10, 2016
for a Special Exception Under 11 DCMR §	)	
2108.1 to Reduce the Required Amount of	)	ANC 3C09
Parking in the CP/C-2-A District at 3310	)	
Connecticut Ave., N.W. (Square 2082, Lot	)	
868)	)	
	)	

APPLICANT’S PRE-HEARING STATEMENT

I.

Introduction

The District of Columbia Public Library (“DCPL”) submits this statement through undersigned counsel in support of its application for a special exception, pursuant to 11 DCMR §§ 2108.1 and 3104.1, to reduce the number of required parking spaces to zero for a neighborhood library at 3310 Connecticut Avenue, N.W., (Square 2082, Lot 868) (“Site”) located in the CP/C-2-A District. The relief will facilitate the construction of a new Cleveland Park Public Library.

II.

Jurisdiction of the Board

The Board of Zoning Adjustment (“Board” or “BZA”) has jurisdiction to grant the requested special exception pursuant to D.C. Official Code § 6-641.07(g)(2012 Repl.) and 11 DCMR § 3104.

III.

Background and Description of Proposal

A. Description of the Site and Surrounding Area

The Site is currently improved with the existing two-story Cleveland Park Public Library, which was constructed in 1953. The current library has approximately 18,000 square feet of space, which is less than the DCPL's general program requirements of 21,288 square feet for new libraries. After conducting a thorough investigation of the existing conditions of the building, DCPL determined that the deficiencies and code issues associated with the various building systems (roofing, piping, HVAC, electrical, fire protection, architectural and structural systems) dictated the replacement of the building rather than its renovation.

As shown on the attached excerpt of the Zoning Map, the Site is zoned CP/C-2-A (Exhibit A). A building restriction line along Macomb Street limits the area of the lot than can be improved. The redline Metrorail tunnels also affect the Site, preventing any significant excavation due to its location within a Metrorail "zone of influence," as determined by the Washington Metropolitan Area Transit Authority ("WMATA"). The Site is part of the Cleveland Park retail and business corridor that lines Connecticut Avenue, N.W. The Site also falls within the boundaries of the Cleveland Park Historic District, although the 1953 building does not contribute its historic character. Single family houses and apartments are located just beyond the business corridor to the east and west, and across Macomb Street to the south.

The Site is well-served by public transportation. The Cleveland Park Metrorail Station is located just one-tenth of a mile away to the north. The L1 and L2 Metrobus lines stop in front of the library and the H2, H3 and H4 lines stop at the Metro station. A Capital Bikeshare station is located across Newark Street to the north. According to Walk Score, the Site is "very walkable," has "good transit" and is bikeable.

B. Description of Proposal

The Applicant intends to replace the existing outmoded Cleveland Park Library with a new facility as part of a larger, citywide library modernization program. Approximately 25,000 square feet of space will be devoted to library uses and approximately 5000 square feet designated for community meeting space. However, only 18,976 square feet of space will count toward the gross floor area (“GFA”) of the building, equating to a total floor area ratio (“FAR”) of 0.95. The main entrance to the building will be at the corner of Connecticut Avenue and Macomb Street, N.W. The cellar level will include assembly space, a staff workroom and separate breakroom, meeting rooms, and utility and mechanical space. The first floor will feature the main entry hall and circulation desk, the reading room, stacks, and service spaces. Additional stacks, study rooms and reading rooms will be located on the second floor.

The Site will feature extensive landscaping elements, including a library garden at the rear toward Newark Street, N.W. A curb cut on Macomb Street will provide access to the trash room and loading area of the building, although loading facilities are not required for a library.¹ The Applicant is required to provide parking, but seeks to reduce the amount of automobile parking spaces by 100 percent. The current library does not supply any marked legal parking spaces for staff or visitors. However, there is a paved area at the rear of the building that is used to park up to three vehicles at a time.

C. Design Review

Because of its status as a District government building and its location in the Cleveland Park Historic District, both the Commission of Fine Arts (“CFA”) and the D.C. Historic Preservation Review Board (“HPRB”) have design review authority over the new facility. At its

¹ A public library falls into the “all other uses” category, and no loading facilities are required for buildings with less than 30,000 square feet of gross floor area. 11 DCMR § 2201.1.

March 17, 2016, meeting, CFA reviewed a revised concept and found that the “smaller scale and redesigned front facade of the library along Connecticut Avenue establishes a more appropriate relationship between the building and its context.” CFA also suggested some further refinements to the design. On March 24, 2016, HPRB recommended approval of the design, including the changes incorporated to address the CFA comments. Final review was delegated to staff. A copy of the HPRB staff recommendation and the summary of HPRB actions taken are attached as Exhibit C.

IV.

The Applicant Meets the Standard for Special Exception Relief

A. Nature of Relief Sought

Pursuant to section 2101.1 of the Zoning Regulations, parking spaces are required for a community or neighborhood public library at a rate of one space for every 1000 square feet of GFA, after the first 3000 square feet. Based on the total building area of 18,976 square feet of GFA, DCPL is required to provide 16 parking spaces for the new Cleveland Park Library. Because of the development constraints affecting the property, DCPL proposes not to provide any automobile parking spaces.

The Board is authorized to reduce the number of parking spaces required for nonresidential uses as a special exception, and may specifically reduce the amount of parking for a public library by up to 100 percent. See 11 DCMR §§ 2108.1 and 2108.2.

B. Standard of Review

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the relief requested are satisfied. The D.C. Court of Appeals has consistently

emphasized the narrow scope of the Board's discretion in reviewing special exception applications:

In evaluating requests for special exceptions, the Board is limited to a determination of whether the exception sought meets the requirements of the particular regulation on which the application is based.... The applicant has the burden of showing that the proposal complies with the regulations; but once that showing has been made, the Board ordinarily must grant the application.

National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adjustment, 753 A.2d 984, 986 n.1 (D.C. 2000); *see also Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973) (noting that "[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations"). If the specific requirements of the regulation are met, the Board is generally precluded from denying an application for special exception relief.

C. Special Exception Parking Relief

In granting relief under section 2108 from the parking requirements, the Board is required to consider the following factors:

(a) *Nature and location of the structure:*

The library is advantageously located along the Cleveland Park commercial corridor and borders the adjacent residential community. As set forth in the technical transportation memorandum prepared by Gorove/Slade Associates, "the site is surrounded by an existing network of transit, bicycle and pedestrian facilities that result in an adequate environment for safe and effective non-auto transportation." *See Exhibit D*. The public facility will be easily accessible on foot, by bicycle and by Metrorail.

(b) *Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time:*

The maximum number of students, employees, guests, customers or clients who can reasonably be expected to use the proposed building at one time is approximately 200 people.

- (c) *Amount of traffic congestion existing or that the building or structure can reasonably be expected to create in the neighborhood;*

The public library is not expected to create any traffic congestion. Instead, it will draw visitors by foot from the immediate neighborhood or via the Cleveland Park Metrorail Station.

- (d) *Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the building or structure is in use:*

One commercial public parking lot is located within walking distance of the library. Sam's Park & Shop at 3513 Connecticut Avenue, N.W., is located just at the Cleveland Park Metrorail Station approximately 0.1 miles away and offers hourly parking.

- (e) *Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Transportation.*

The Site is located just 0.1 miles from the Cleveland Park Metrorail Station on the Redline and is served by the L1, L2, H2, H3 and H4 Metrobus lines. The Applicant will not be relying on a ride-sharing program. See 11 DCMR § 2108.4.

D. Special Exception Standard Under Section 3104

The proposal to reduce the number of required parking spaces by 100 percent will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The proposal will allow for the replacement of an outmoded public library with a modern facility, as permitted in the CP/C-2-A District. It will not tend to adversely affect the use of neighboring property. Rather, it will allow for the introduction of a new, modern public library to better serve and meet the needs of the community. DCPL will institute transportation demand mitigation

(“TDM”) measures for the development, including a TDM coordinator, on-site services and bicycle amenities. The transportation memo prepared by Gorove/Slade Associates concludes that “[b]ased on the site location near ample transit services, the neighborhood-oriented use of this site, and its design elements that encourage non-auto transportation, ... the exclusion of parking on-site will not have a detrimental impact to the surrounding neighborhood.”

VI. **Community Outreach**

The Applicant met with the Planning and Zoning Committee of Advisory Neighborhood Commission (“ANC”) 3C on April 4, 2016. The committee did not raise any concerns or issues. On April 18, 2016, the full ANC voted “no objection” to the proposed special exception relief from the parking requirements. A copy of the ANC action is attached as Exhibit E.

VIII. **Exhibits in Support of Application**

<u>Exhibit A:</u>	A portion of the Zoning Map showing the site
<u>Exhibit B:</u>	Architectural Drawings
<u>Exhibit C:</u>	HPRB Staff Report
<u>Exhibit D:</u>	Technical Transportation Memo
<u>Exhibit E:</u>	ANC Recommendation
<u>Exhibit F:</u>	Witness List and Outlines of Testimony
<u>Exhibit G:</u>	Resumes of Expert Witnesses

VII. **Conclusion**

For the reasons stated above, the proposed application meets the standards for special exception relief under the Zoning Regulations. DCPL therefore respectfully requests that the

Board grant the application, with flexibility to make design refinements in response to HPRB and CFA comments.

Respectfully submitted,

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