

ZONING COMMISSION
District of Columbia

CASE NO. 09-17
EXHIBIT NO. 3

STATEMENT IN SUPPORT

PETITION OF

DISTRICT OF COLUMBIA PUBLIC LIBRARY

FOR AN

AMENDMENT TO THE ZONING MAP

October 13, 2009

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**STATEMENT IN SUPPORT OF
PROPOSED MAP AMENDMENT FOR
PARCEL 67/204 SQUARE 518
3660 ALABAMA AVENUE, SE**

DISTRICT OF COLUMBIA PUBLIC LIBRARY, PETITIONER

October 8, 2009

I. BACKGROUND

This Statement in Support requests that the Zoning Commission schedule a public hearing to consider a map amendment for the property identified as Parcel 67/204, part of U.S. Reservation 518, which is located at 3660 Alabama Avenue, S.E. (the "Property"). The Petitioner is the District of Columbia Public Library (the "Library" or "Petitioner"), who wishes to amend the Zoning Map from unzoned, GOV, to the R-5-A classification. *See* Application Forms attached at Exhibit A. The proposed map amendment would permit the construction of a new, modern full-service neighborhood library on the site of the current Francis Gregory Library. The site is owned by the National Park Service, but is under an administrative transfer of jurisdiction to the District of Columbia for library purposes.

A. The Property

The Property is owned by the United States of America and is subject to a Transfer of Jurisdiction to the District of Columbia, approved by the National Capital Planning Commission on September 29, 1958 and the National Park Service on December 11, 1958 and accepted by the District of Columbia on December 16, 1958, which transferred the Property to the District for "Public Library" purposes. The Property is part of U.S. Reservation 518. The property is listed on the document of transfer as being 15,322.08 square feet. It is generally rectangular in shape, 150 feet by 100 feet, except for a small triangular piece approximately 24 feet by 17 feet by 30 feet at the northwest corner. *See* Exhibit B attached hereto. It is currently improved with the

Francis Gregory Library, a neighborhood library operated by the D.C. Public Library. The current building is proposed for demolition, to be replaced by a larger, more modern facility.

B. The Surrounding Area

The property is located on Alabama Avenue, SE, a major arterial, south of Pennsylvania Avenue in relatively close proximity to the District of Columbia border with Prince George County, Maryland. It is separated by a small strip of parkland from the Anne Beers Elementary School, a portion of which is also under the jurisdiction of the District of Columbia, and is the location of Anne Beers Elementary School, which is classified within the R-5-A Zone District. The rest of U.S. Reservation 518 remains unzoned and used for federal park land, part of the circle of forts which was established to protect the city during the Civil War.

Immediately across Alabama Avenue, the land is designated “Moderate Density Residential” on the Future Land Use Map, and features low-scale, garden apartments and townhouses. *See* Exhibit C hereto. It is zoned R-5-A. Approximately one-tenth of one mile to the northeast, the Fairfax Village Shopping Center, is zoned C-2-A; across Pennsylvania Ave, is the Ft. Davis Shopping Center.

II. THE PROPOSED ZONING MAP AMENDMENT

A. Existing Zoning: Unzoned

The site is presently unzoned. *See* Exhibit D, an excerpt from the DC Zoning Map, attached hereto. Before 1990, District Government properties did not require zoning. However, at that time, the regulations were changed. The current version of §106.5 of the Zoning Regulations states:

Properties of the District Government shall be subject to zoning; provided:

- (a) Any governmental land or building uses that were either in existence or were substantially planned, documented and invested in prior to May 23, 1990, shall not be subject to zoning;
- (b) With regard to the properties referenced in paragraph (a) of this subsection, any change or expansion in the use of land or buildings or any new construction or additions to buildings shall be subject to zoning.

Since the proposed redevelopment of the Francis Gregory Library will require new construction, it is therefore necessary to pursue an amendment to the Zoning Map.

B. Proposed Zoning

This application proposes to amend the zoning map to classify the site as R-5-A. The R-5-A is clearly appropriate for this location. Section 350.1 of the Zoning Regulations describes the R-5 districts as follows:

The R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district . . .all types of urban residential development . . . **The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses** and that are excluded from the more restrictive Residence Districts. (Emphasis added.)

Although libraries are a type of public building that would be permitted in more restrictive residence districts, it is certainly consistent with the type of buildings contemplated in this zone description, and definitely compatible with the adjoining residential areas. In addition, the fact that it is very close to Beers Elementary School (separated by only a small strip of National Park Service land), and is a similar type of use, generally permitted in the same zone districts, supports extending the same zoning classification to the Library parcel as well.

C. Standards for Amendments to the Zoning Map

The authority for the adoption and amendment of the Zoning Maps is provided by the Zoning Act (52 Stat. 797, as amended; D.C. Official Code §§6-641.01 to 6-641.15). With

respect to the regulations, Section 6-421.01 of the D.C. Code indicates that the purposes of the regulations are to “promote the health, safety, morals, convenience, order, prosperity or general welfare of the District of Columbia and its planning and orderly development as the national capital.” The Code also requires that the zoning maps “shall not be inconsistent” with the Comprehensive Plan.

Further guidance is provided in §101.2 of the Zoning Regulations:

The regulations in this title and the Zoning Maps are designed with consideration of the:

- (a) Character of the respective districts;
- (b) Suitability of each district for the uses permitted in each district under this title; and
- (c) Encouragement of the stability of districts and of land values in those districts.

D. Evaluation of the Proposed Map Amendment and How it Complies with the Standards Governing Map Amendments

1. The Map Amendment Meets the Purposes of Zoning

Amending the map to a zoning classification that will permit the construction of a new full-service neighborhood library is clearly consistent with promoting the “general welfare”, as a library is an important neighborhood facility that improves the quality of life for the residents and provides valuable services. At the same time, it preserves the scale and character of the existing neighborhood.

2. The Map Amendment Is Not Inconsistent with the Comprehensive Plan

The site is currently zoned GOV, and is shown on the Future Land Use Map in the “Parks, Recreation and Open Space” category. However, as the map notes in the legend for the “Local Public Facilities” category, because of the scale of the map, libraries and similar uses on

land smaller than one acre may not be shown. It is proximate to Anne Beers Elementary School, at the corner of Alabama Avenue and 36th Place, SE, which is designated as a “Local Public Facility” on the Future Land Use Map and is zoned R-5-A. The Generalized Policy Map does recognize that the site is not part of Parks and Open Space. It is shown as a Neighborhood Conservation Area, the same as Beers Elementary School and the adjacent areas, all of which are currently zoned R-5-A. Immediately across Alabama Avenue, the land is designated “Moderate Density Residential” on the Future Land Use Map, and is zoned R-5-A. R-5-A, considered a low density residential zone, is not inconsistent with this land use classification. The Fairfax Village and Ft. Davis shopping centers are shown on the Policy Map as neighborhood commercial centers.

Because the Transfer of Jurisdiction is limited to library use, there is no reason to believe that the parcel will be used for anything other than a public library.

The Comprehensive Plan contains guidance regarding public facilities, design and the importance of improved public facilities specifically for the area around the Francis Gregory site.

The guidance includes the importance of good design in new public facilities:

UD-3.3 The Design of Public Buildings and Infrastructure

The District should lead the way to good urban design in the way it designs and builds its own public facilities. The design of civic structures should reinforce the District’s image as a forward-looking city that respects historic context while embracing change and innovation. Each library renovation, fire station addition, school modernization, recreation center construction project and the like should be viewed as an opportunity to create a great civic building and character-defining public space. 10 DCMR § 915.1

The Plan further defines this goal:

Policy UD 3.3.2 Design Excellence in Public Buildings

Require design excellence for all public buildings and public space, with government leading by example to create a more attractive environment in the

city and its neighborhoods. Important civic places, such as schools and libraries, should be individually designed to foster community identity and neighborhood character. 10 DCMR § 915.4

The proposed project is definitely consistent with these goals, having been individually-designed by an internationally-acclaimed architect, with a design that has won praise from the community and the Commission of Fine Arts as well.

With respect to public facilities, the Community Services and Facilities Element of the Plan calls for the provision of high quality facilities to all the citizens of the District. In particular, regarding libraries, the Plan observes:

As one of the world's leading centers of information and knowledge, the District of Columbia must have a state-of-the-art public library system. A revitalized library system must combine high quality physical buildings with new technology, an expanded Internet presence, inviting public spaces for meetings and gatherings, and programs and collections that meet the needs of all citizens. Our libraries should help children succeed in school, help adults improve their reading skills, and support career advancement and life enrichment goals. The District should aspire to nothing less than greatness as it creates a library system that demonstrates the city's commitment to meeting the educational and life-long learning needs of all of its residents. 10 DCMR § 1109.1

Specifically with regard to branch libraries, the Plan notes:

Action CSF-3.1.B: Branch Libraries

Completely overhaul, upgrade or re-build each branch library to provide a safe and inviting space that provides services and programs that address the needs of local residents. Each branch library should be designed to provide a minimum of 20,000 square feet of floor space with a clearly visible entrance and an open, inviting and attractive façade. 10 DCMR § 1130.11

The proposed project, with its proximity to the local elementary school and close to shopping and recreation opportunities, is not only consistent with this goal, but also makes a major contribution to improved quality of life for the residents of Far Northeast and Southeast.

In fact, that Element notes that 27% of the residents in this area are under 18, compared with only 20% citywide, and the area also has a disproportionately large population of

individuals over 65 years of age. These are two populations particularly interested in using libraries. With regard to Planning and Development Priorities for this area, the Element points out the importance of upgrading public facilities including libraries. The Element goes on to observe, “Additional facilities and services for children and youth are needed in the Far Northeast/Southeast Area.” The expanded and greatly improved sections of the library for children and for youth are completely consistent with these Comprehensive Plan priorities. The co-location policy also points to the wisdom of locating facilities such as libraries in proximity to elementary schools and recreation facilities, as is the case here.

3. The Map Amendment is Consistent with the Character of the Area and Will Not Have an Adverse Impact on the National Park Service or Neighboring Property

The proposed map amendment does not change the use of the property, or its scale in any substantial way. The property has been used as a library since 1961. It is currently two stories and a basement, similar to the new building. The proposed new library will make a substantial improvement in environmental issues, as it is designed to meet the standards articulated in the DC Green Building Act of 2006, which requires DC public buildings to meet at least a LEED Silver standard. The scale is consistent with the two story buildings across the street, and with its neighbor, Anne Beers Elementary School.

III. CONCLUSION

For the reasons presented in this Statement of Support, the Applicant requests that the Zoning Commission schedule a public hearing to consider this map amendment as expeditiously as possible, and approve a change in zoning classification from unzoned to R-5-A. The proposed zoning meets the purposes of zoning outlined in the Zoning Act and the Zoning Regulations, is consistent with the Comprehensive Plan, and will achieve the objective of bringing a greatly

improved branch library to the residents of the area, while meeting high standards of environmental stewardship.

Respectfully submitted,

ARENT FOX LLP

A handwritten signature in black ink, appearing to read 'Kinley R. Bray', is written over the printed name.

Kinley R. Bray

EXHIBITS IN SUPPORT OF THE APPLICATION FOR A MAP AMENDMENT

- A. Application Form
- B. Plat from the Transfer of Jurisdiction
- C. Comprehensive Plan Future Land Use Map
- D. Current Zoning Map of the Site