

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19257 of D.C. Public Library, pursuant to 11 DCMR §§ 3104.1 and 2108.1, for a special exception from the off-street parking requirements under § 2101.1, to replace an existing library with a new, two-story library in the CP/C-2-A District at premises 3310 Connecticut Avenue, N.W. (Square 2082, Lot 868).

HEARING DATE: May 10, 2016
DECISION DATE: May 10, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed. (Exhibit 3.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC submitted a report, dated April 19, 2016, stating that at a publicly noticed monthly meeting on April 18, 2016, at which a quorum was in attendance, the ANC voted "No Objection via Voice Vote to the Consent Calendar." (Exhibit 23.)

The Single Member District Commissioner for ANC 3C-09 testified at the hearing that while the community would like to have parking at the site, parking has never been provided there. She testified that the ANC would like for the Applicant to at least provide some parking for the disabled, and allow use of the loading dock for residents who drop off large numbers of books.

In response to the ANC's concerns, the Applicant noted that it is working with the D.C. Department of Transportation ("DDOT") to identify and reserve spaces for disability parking. Also, the Applicant testified that there are currently four parking spaces there for staff, and that upon the elimination of those spaces, someone needing to come to the library for a brief period of, for

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instance, five to seven minutes, will be accommodated. The Applicant testified that it is also working with DDOT to identify additional parking for persons with disabilities.

The Office of Planning (“OP”) submitted a timely report on May 3, 2016, recommending approval of the application. (Exhibit 25). OP also testified in support at the public hearing.

The Applicant filed in the record the Historic Preservation Review Board Staff Report and Recommendation regarding the proposed project. In the report, the Historic Preservation Office (“HPO”) recommended that the Board:

- Find the overall revised concept compatible with the Cleveland Park Historic District;
- Provide any recommendations for how the concept can be further refined to increase compatibility with the historic district and address unresolved design details; and
- Delegate the remaining design review to HPO.

(Exhibits 24C1 and 24C2.)

DDOT submitted a timely report indicating that it had no objection to the application, with one condition - that the Applicant install a minimum of four long-term bicycle parking spaces in a location that is secure and easily accessible to staff. (Exhibit 26.) The Applicant testified that it had agreed to provide the four bicycle spaces as well as a shower for the library staff.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 3104.1 and 2108.1, for special exception relief under § 2101.1 – the off-street parking requirements. The only parties to the application were the Applicant and the ANC which had no objection to the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 2108.1, and 2101.1, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 24B1 AND 24B2 (ARCHITECTURAL DRAWINGS), AS REVISED BY EXHIBIT 29 (REVISED SHEETS AS-100 AND AS-101), and the FOLLOWING CONDITIONS:**

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1. The Applicant shall have flexibility to make modifications to the plans based on comments by the Commission of Fine Arts and the Historic Preservation Office.
2. The Applicant shall install a minimum of four long-term bicycle parking spaces in a location that is secure and easily accessible to staff.¹

VOTE: 4-0-1 (Marnique Y. Heath, Frederick L. Hill, Jeffrey L. Hinkle, and Robert E. Miller to Approve; Anita Butani D'Souza not participating, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 13, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN

¹ The bicycle parking storage will be located in the cellar space, and while the cellar level plan was not presented to the Board, the Applicant agreed to provide the spaces as conditioned in this order.

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APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.