

GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

DIRECT DIAL: (202) 530-1482

DIRECT E-MAIL: MMOLDENHAUER@WASHLAW.COM

April 4, 2017

VIA IZIS

Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW Suite 210S
Washington, DC 20001

**Re: BZA Application for Department of General Services
Square 1560, Lot 805 – Application for Special Exception**

Dear Chairperson Hill and Members of the Board:

Please accept for filing the enclosed application of the Department of General Services (the “Applicant”). The Applicant requests special exception relief pursuant to 11 DCMR §§ X-901.2 from the regulations related to parking requirements (§ C-703.2).

The application package includes the following materials:

1. BZA Form 120, Application for Variance/Special Exception
2. Agent Authorization Letter;
3. Certificate of Proficiency;
4. Statement of Existing and Intended Use;
5. Plat;
6. BZA Form 126, Fee Calculator;
7. BZA Form 135, Self-Certification;
8. Statement of the Applicant;
9. Zoning Map;
10. Site Plan;
11. Photographs of the Property;
12. List of names and mailing addresses of owners of all property within 200 feet of the boundaries of the Property;
13. Baist Atlas Map;
14. Summary of Witness Testimony;
15. Statement of Community Outreach;
16. Certificate of Service upon the Office of Planning and the affected Advisory Neighborhood Commission.

We believe that the application is complete and acceptable for filing, and request that the Board schedule a public hearing for the application as soon as possible. If you have any questions, please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meredith H. Moldenhauer

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

**APPLICATION OF
D.C. DEPARTMENT OF GENERAL SERVICES**

**4500 VAN NESS STREET NW
ANC 3E**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the District of Columbia Department of General Services (the “Applicant”), the holder of the reservation for the property located at 4500 Van Ness Street, NW, (Square 1560, Lot 805) (the “Property” or the “Park”) in support of its application for special exception relief, pursuant to 11 DCMR Subtitle X § 900.1 from the minimum parking requirement (Subtitle C § 701.5) for a public recreation and community center in the R-1-B Zone District at the Property.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception and variance relief requested pursuant to D.C. Code § 6-641.07(g)(2) and (3), respectively.

III. BACKGROUND

A. The Property

The Property, also known as Friendship Park or Turtle Park, is a corner lot located on Lot 805 in Square 1560, and contains approximately 244,632 square feet (s.f.) of land area. The Property, formerly known as Reservation 613-A, was transferred to the District of Columbia in 1971 and is currently operated by the Applicant. Square 1560 is bounded by Van Ness Street NW to the north, 45th Street NW to the east and southeast, Wesley Circle NW to the south and

southwest, and 46th Street NW to the west. *See* Zoning Map at **Tab A**. The Property is zoned R-1-B. For more than 40 years, the Park has included a recreation center, playgrounds, tennis courts, and a basketball court in the northwest portion of the Property.¹ No parking is available on-site. Baseball diamonds are located in the rear of the Property. There is an existing narrow curb cut at Van Ness Street NW in the northeastern corner of the site which generally serves as a pedestrian access point. As part of a complete renovation of the playground and tennis courts, the Applicant will replace the original recreation center that was recently removed.²

The Surrounding Area

The Property is located in the American University Park neighborhood. The immediate surrounding area consists of single-family detached dwellings. Additionally, there are several institutional uses located nearby, including American University across Massachusetts Avenue NW to the south, and the National Presbyterian Church and School across Nebraska Avenue NW to the east. The Park is considered to be an important part of the neighborhood.

B. Traffic Conditions and Mass Transit

Ample on-street parking is available in the immediate area. Van Ness Street NW and 45th Street NW offer unrestricted parking along the northern boundary of the Property. 45th Street NW provides three-hour parking on the western side of the street and residential parking permit (“RPP”) restrictions on the eastern side. Parking restrictions on the weekends are minimal, as both the RPP and three-hour limitations apply on weekdays.

The Property can be accessed by a number of public transportation options including Metrobus, bikeshare, and carsharing services. Metrobus routes nearby on Massachusetts Avenue,

¹ There is no existing Certificate of Occupancy due to the park’s age and federal ownership.

² The Park’s playground and former recreation center closed in November 2015 for the renovation. Construction on the new recreation center began in Fall 2016. The baseball fields have remained open.

NW, include the N4 and N6 routes. Additional bus routes run along Nebraska Avenue, NW, including the M4 and N2. There is Capital Bikeshare station and a Zipcar pickup station located .3 miles from the Property on Massachusetts Avenue, NW.

C. The Project

As part of a complete renovation to the Park's playground area, the Applicant is constructing an approximately 4,537 s.f. public recreation and community center to replace the previous public recreation and community center (the "Project"). See Site Plan at **Tab B**. Pedestrian access will be available from the Van Ness Street NW curb cut. The Property does not have a location for the necessary, one parking space. The Project also does not have a District Department of Transportation ("DDOT") approved curb cut or vehicular access.

IV. NATURE OF SPECIAL EXCEPTION RELIEF AND STANDARD OF REVIEW

In the R-1-B Zone District, special exception relief is permitted from the associated parking requirements for the Project, pursuant to Subtitle C § 703.2.

Under D.C. Code § 6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it will be in harmony with the general purpose and intent of the zone plan and will not tend to adversely affect the use of neighboring property, subject to the special conditions specified in each case. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation." *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia*

Bd. of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

A. Special Exception from Minimum Parking Requirement

A public recreation and community center, which is identified as part of the “Government, Local” use category in the table at Subtitle C § 701.5, requires 0.25 parking spaces per 1,000 s.f. in excess of 2,000 s.f. with a minimum of one. The Project proposes an approximately 4,537 s.f. public recreation and community center requiring a minimum of one parking space (4,537 s.f. - 2,000 s.f. = 2,537 s.f. / 1,000 s.f. = 2.537 x 0.25 = 0.634, which rounds up to 1 parking space). However, due to the nature of the Project and the access limitations, the Project cannot provide this one off-street parking space.

Pursuant to Subtitle C § 703.2, the Board may grant “a full or partial reduction in the number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one of the following” factors, which include:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The Property is constrained by a lack of curb cuts that can adequately serve as a means of vehicular ingress. The Park features many recreation spaces, including playgrounds, a basketball court, and baseball fields that limit the possible location of a driveway through the property. Natural vegetation and the existence of mature trees also limit the possible location of a driveway and parking spaces.

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

(1) A curb cut permit for the property has been denied by the District Department of Transportation;

During the more than three-year-planning process for this Project, the Applicant had proposed to use the existing curb cut at Van Ness Street NW for vehicular access. However, this suggestion was opposed by DDOT because the existing curb cut was found not to meet access requirements. The Applicant has exhausted locations on the Property that would not disturb recreation spaces and still meet DDOT requirements.

Subtitle C § 703.3 - Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

As previously described, the Applicant is physically unable to provide the one parking space on the site due to the Property's physical constraints and the lack of a DDOT-approved curb cut. This request is proportionate to the existing parking demand, because the Property has not provided off-street parking spaces in the past.

Subtitle C § 703.4 - Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

The Applicant seeks a waiver from the requirements of Subtitle C § 703.4 due to the minimal nature of the parking relief. As described, parking has not historically been provided on the Property, and the new recreation center will not change the use of the Property. Because the off-street parking demand is not changing, the Applicant asks that the Board waive the requirement for the inclusion of a transportation demand management plan.

B. Parking relief will be in Harmony with the General Purpose of the Zone Plan

The Project will be in harmony with the general purpose and intent of the zone plan.

"The purposes of the R-1-A and R-1-B zones are to:

*(a) Protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and
(b) Stabilize the residential areas and promote a suitable environment for family life.”
(Subtitle G § 400.2)*

The requested off-street parking relief will not change the use of the Property and is harmonious with the intent of the zoning regulations for the R-1-B zone. The Project will “...promote a suitable environment for family life” by providing the local community with recreation opportunities and community activities in the neighborhood, as has been provided for decades.

C. Parking relief will not tend to adversely affect the use of neighboring property.

The use of neighboring properties will not tend to be adversely affected by the approval of the Special Exception. As described above, there is ample on-street parking available surrounding the Park. Importantly, RPP and other time restrictions do not apply during the weekends, when the Project would be most utilized. As stated above, the Property has been used as a Park for more than 40 years without off-street parking. The Project will not tend to adversely affect the use of neighboring property because it will continue the existing use on the Property.

V. STATEMENT OF COMMUNITY OUTREACH

The process to renovate the Park has lasted more than three years. Over that time, the Applicant has met neighbors and members of the Friends of Friendship Park (“FOFP”) Board of Directors on numerous occasions to discuss the planning and construction process. The Applicant informed the community and members of FOFP of the need for parking relief during a March 6, 2017 site walk-through of the Project. The Single Member District Commissioner for the Property also attended the walk-through, and is aware of the need for this relief. The Applicant will contact the chair of ANC 3E as well as the Single Member District Commissioner shortly after the

Application is filed to arrange to be on an upcoming ANC agenda. After presenting at the ANC 3E meeting, the Applicant will seek a vote in support of the relief from the ANC.

VI. CONCLUSION

For all of the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meridith H. Moldenhauer

Certificate of Service on Office of Planning and Advisory Neighborhood Commission 3E

I certify that on April 4, 2017, a copy of this Application was served, via email, on the Office of Planning and Advisory Neighborhood Commission 3E, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
planning@dc.gov

Advisory Neighborhood Commission 3E
c/o Lisner Home
Jonathan Bender, Chair
5425 Western Ave. NW
Ste. 219
Washington, DC 20015
jonbender@gmail.com

Advisory Neighborhood Commission 3E
c/o Lisner Home
Jonathan McHugh, SMD 3E05
5425 Western Ave. NW
Ste. 219
Washington, DC 20015
jmchughdc@gmail.com

District Department of Transportation
c/o Anna Chamberlain
55 M Street SE, Suite 400
Washington, DC 20003
Anna.Chamberlain@dc.gov



By: Meredith Moldenhauer