

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

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

ANC 6B

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, D.C. Department of General Services (the “Applicant”), the owner of the property located at 635 North Carolina Avenue, SE (Square 0872, Lot 62) (the “Property”)¹, in support of its application for special exception relief, pursuant to Subtitle X § 901.2 and Subtitle C § 909.2, from the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 associated with the construction of the new Rumsey Aquatic Center.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is located in the MU-4 Zone District and has approximately 40,517 sq. ft. of land area. A copy of the Zoning Map is attached at **Tab A**. The Property is currently improved with the Rumsey Aquatic Center operated by D.C. Department of Parks and Recreation (“DPR”). The Rumsey Aquatic Center will be razed, and replaced as part of this project. The Property fronts along North Carolina SE with C St. SE to the rear. The Property abuts a private alley to the east

¹ Until recently Rumsey Aquatic Center and the Eastern Market Building shared a single record lot. The District has subdivided such property into two separate record lots, as shown on the subdivision plat recorded in the Office of the Surveyor of the District of Columbia in Subdivision Book 224 at Page 12. With completion of the subdivision, the Rumsey Aquatic Center is located on Lot 62 in Square 0872, and Eastern Market is located on Lot 63 in Square 0872.

of the Property providing a one-way connection between North Carolina Ave SE and C Street SE for Eastern Market. There is a public alley along the Property's western boundary line that provides access to C Street SE.

The Property is located in the Capitol Hill neighborhood and abuts the historic Eastern Market Building. Otherwise, the surrounding neighborhood is primarily residential in nature. The Property is within the Capitol Hill Historic District.

B. Traffic Conditions and Mass Transit

The Property is located approximately 0.15 miles from the Eastern Market Metro stop. There are also Metrobus stops within close proximity of the property for lines C53, C55, D1X, and D10. There is a Capital Bikeshare Station located at the front of the Property on North Carolina Avenue as well. Walkscore.com indicates that the area is a "Walkers Paradise" with "Excellent Transit."

C. The Project

The Applicant proposes to redevelop the Rumsey Aquatic Center as a two-story public recreation and community facility containing aquatic, fitness, community, senior, and multipurpose spaces (the "Project"). The architectural plan set is attached at **Tab B**.

With the exception of the loading relief requested in this Application, the Project is designed to comply with the applicable MU-4 development standards. The Project will contain approximately 31,705 square feet of gross floor area, or 0.78 FAR, well below the 1.5 FAR permitted for nonresidential use in the MU-4 zone. *See* Subtitle G § 402.1. The building will be two stories, with the plans showing a low parapet at approximately 30 feet, a pool parapet at 34 feet, and a sawtooth monitor² reaching approximately 44 feet, 1 inch, below the 50-foot maximum

² A monitor is defined by Websters dictionary as "a raised central portion of a roof having low windows or louvers for providing light and air"

building height. *See* Subtitle G § 403.1. The Project will also provide a rear yard of approximately 20 feet, 6 inches, exceeding the 15-foot minimum required in the MU-4 zone. *See* Subtitle G §§ 405.2, 405.5.

The Project will provide six vehicular parking spaces, including one accessible space. Based on the Project's gross floor area and its proximity to an operating Metrorail station, only four parking spaces are required. *See* Subtitle C §§ 701.5, 702.1(a), 709.2-3. The Project will also provide the required short-term bicycle parking and associated shower and locker facilities.

Under Subtitle C § 901.1, a Government, Local use containing between 30,000 and 100,000 square feet of gross floor area is required to provide one loading berth and one service/delivery space. Because of the physical constraints of the Property and the Project's limited proposed loading and service operations, the Applicant is seeking relief from the loading berth requirement. As discussed below, the requested relief will allow the Project's loading and service needs to be accommodated without requiring construction of a code-compliant loading berth that is impractical for this site.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant is seeking special exception relief pursuant to Subtitle C § 909.2 from the loading berth requirement of Subtitle C § 901.1. The relief is needed because the Project will not provide a loading berth or a delivery space, whereas one loading berth and one delivery space is required for the proposed Government, Local use.

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject, in specific cases, to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

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.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The proposed special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. More specifically, granting the requested loading relief will facilitate the redevelopment of the Rumsey Aquatic Center with a new and improved public recreation and community facility. The Project is a Government, Local use permitted as a matter of right in the MU-4 zone and will replace and modernize the existing aquatic center while continuing its longstanding public and community-serving function.

The requested relief is limited to the Project’s loading requirement and will not alter the Project’s permitted use, density, height, or other principal development standards. Rather, the relief will allow the Property to be redeveloped with a modern public facility that provides aquatic, fitness, community, senior, and multipurpose programming while accommodating the

comparatively limited loading needs associated with that use. Accordingly, the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map applicable to the Property.

B. The Relief will not tend to Adversely Affect the Use of Neighboring Property

The requested loading relief will not tend to adversely affect the use of neighboring property. The Project will establish consistent procedures for accommodating the aquatic center's limited loading and service activity from C Street, including trash collection and occasional deliveries. These procedures will provide for staff coordination of deliveries and collection activity to minimize potential conflicts with neighboring uses and maintain access along C Street.

By contrast, providing the required loading berth on the Property would likely result in greater impacts to neighboring properties. The private alley to the east is a part of the Eastern Market lot and is used exclusively for Eastern Market's loading operations. The public alley to the west is only approximately ten feet wide³ and primarily serves the residential properties along C Street and North Carolina Avenue. The public alley is narrow, awkwardly shaped and contains bollards and utility poles which obstruct turning and use of the alley. Locating a loading berth in this area would increase congestion in this small alley network and introduce loading vehicles into a narrow residential alley where dedicated loading activity does not presently occur.

The requested relief therefore allows the Project's limited loading needs to be accommodated from C Street while avoiding the introduction of additional loading activity into the alleys serving the surrounding properties. Accordingly, the relief will not tend to adversely affect the use of neighboring property..

³ The Zoning Regulations require loading berths and service/delivery spaces to be accessed from a public alley where an open and improved alley at least fifteen feet (15 ft.) wide exists. Accordingly, use of the approximately ten-foot-wide alley for loading access would require area variance relief from Subtitle C § 904.5.

C. The Project Satisfies the Special Conditions of Subtitle C § 909.2

In addition to the general special exception standard, the Project satisfies the special conditions for loading relief pursuant to Subtitle C § 909.2, as follows:

Subtitle C § 909.2(a) – *The use or structure will generate a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require, as a result of:*

(2) A loading demand management plan filed in the case record in accordance with Subtitle Y § 300.14 and approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, that will result in a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require.

The Applicant will coordinate with DDOT to obtain approval of the proposed Loading Demand Management Plan (“LDMP”) that will govern the Project’s limited loading, delivery, and service activities. The LDMP will establish consistent procedures for coordinating these activities from C Street and minimizing potential impacts on neighboring properties, in lieu of providing a dedicated on-site loading berth.

The LDMP will establish appropriate procedures for curbside loading and deliveries and ensure that the Project’s limited loading activity can be accommodated without the loading berth otherwise required by Subtitle C § 901.1. Once approved by DDOT, the LDMP will be filed in the case record and its implementation will be made a condition of the Board’s approval, as required by Subtitle C § 909.2(a)(2). Accordingly, the Project will generate a lower loading demand than contemplated by the minimum loading standards and satisfies the requirements for the requested loading relief.

VI. COMMUNITY OUTREACH

The Applicant has conducted an extensive community outreach process throughout the design of the Rumsey Aquatic Center, including four public community meetings held in December 2024, March 2025, January 2026, and July 2026. The Applicant has also been in communication with the Eastern Market Community Advisory Committee and met with DDOT on August 22, 2026 to discuss the Loading Management Plan associated with the requested loading relief. The Applicant will also present the Project and requested relief to ANC 6B at its next available public meeting.

VII. SUMMARY OF WITNESS TESTIMONY

A representative from IStudio Architects will testify regarding architecture and project design. A representative from the Department of General Services and/or the Department of Parks and Recreation will testify on operational elements of the Project. The Applicant reserves the right to add witnesses or expert witnesses as necessary.

VIII. CONCLUSION

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

Sincerely,

COZEN O'CONNOR



Meridith Moldenhauer