

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

**5401 South Dakota Avenue, NE
Square 3761, Lot 804**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

Consigli Construction Company (the "**Applicant**"), as authorized by the District of Columbia Public Library ("**DCPL**"), hereby submits this application pursuant to Subtitle X § 901.2 and Subtitle C § 1610.2 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("**DCMR**") in support of special exception relief from the lot occupancy requirement applicable to a public library in the R-2 zone; and a special exception pursuant to 11-C DCMR § 703.2 from the minimum number of parking spaces required for a Local Government use (the "**Application**"). Approval of the requested relief will allow for the reconstruction of the Lamond-Riggs District of Columbia Public Library ("**DCPL**") located at premises 5401 South Dakota Avenue, NE (Lot 804 in Square 3761) (hereinafter the "**Property**").

Attached hereto are letters from the Applicant and the owner of the Property that authorize the filing and processing of this Application. Pursuant to Subtitle Y § 1600.3, the Applicant is requesting a waiver of the filing fee for this special exception request, as the Property is owned by DCPL – an agency of the Government of the District of Columbia and will be occupied for a government use (i.e., a public library).

As detailed below, the Applicant respectfully requests the expedited processing of this application pursuant to 11-Y DCMR § 400.7. The accelerated review of this application is "necessary and desirable" given the use of the Property for a public library and the proposed construction schedule for the proposed reconstruction. Expediting this application will not result in removing another application from the public hearing agenda. In accordance with 11-Y DCMR § 300.15, the Applicant will file its Prehearing Statement no fewer than 21 days prior to the public hearing for this application.

For the reasons stated herein, the Applicant respectfully requests that the Board of Zoning Adjustment ("**BZA**" or "**Board**") approve the requested special exception relief.

I. BACKGROUND

A. Description of the Property and Surrounding Area

The Property consists of Lot 804 in Square 3761 and has a total land area of approximately 23,399 square feet. The Property is located in Northeast, Washington, D.C., and is bounded by South Dakota Avenue to the south, Kennedy Street to the west, Jefferson Street to the east, and a 16 foot-wide public alley to the north. As shown on the Zoning Map submitted with this Application, the Property is zoned R-2.

Generally, the Property is primarily surrounded by residential uses (e.g., detached dwellings). A filling station and a convenience store are located to the northwest along South Dakota Avenue. The Property is located just under a mile away from the Fort Totten Metrorail station.

B. Description of Existing Library and Proposed Replacement

The Property is currently improved with the Lamond-Riggs Neighborhood Library, which opened its doors to the public on October 24, 1983. The existing library structure is a two-story brick building that consists of approximately 19,000 square feet of gross floor area (“GFA”). As explained below, the requested relief will facilitate an important replacement project that will significantly enhance the existing library use at the Property.

As shown on the attached plans, the Applicant proposes to demolish the existing building and construct a brand new, two-story library building that will be slightly larger in size (22,990± square feet of GFA) and would provide a much more modernized experience for its users. For instance, the new building will include a virtual “marketplace” where visitors can obtain real-time updates regarding the library’s inventory as well as general community information. The new design also incorporates a patio area on the first floor and a porch on the second floor, which will accommodate outdoor reading and social engagement. Importantly, the new building will also include several environmentally sustainable features, such as a highly reflective solar roof and a bioretention system. Furthermore, the Applicant proposes to improve the Property with new landscaping. The project is fully funded at \$20 million and was reviewed and approved by Commission of Fine Arts in April, 2020.

II. SPECIAL EXCEPTION RELIEF

A. Relief Requested

As stated above, the Applicant seeks special exception relief from the lot occupancy requirement applicable to a public library in the R-2 zone. Pursuant to 11-C § 1603.4, a public library in the R-2 zone is permitted a maximum lot occupancy of 40%. To achieve the programmatic requirements of the Lamond-Riggs replacement project, the Applicant proposes a lot occupancy of 49.5%. As shown on the attached plans, the footprint of the new library structure will occupy approximately 11,570 square feet of total lot area. The Board is authorized to grant relief from the development standards applicable to a public library pursuant to 11-C DCMR § 1610.2 and the general special exception criteria set forth in 11-X DCMR § 901.2.

In addition, the Applicant seeks special exception relief from the minimum number of parking spaces that are required for a Local Government use.¹ Pursuant to 11-C DCMR § 701.5, a Local Government use requires 0.5 space(s) per 1,000 square feet in excess of 2,000 square feet, with a minimum of 1 space required. Accordingly, given the proposed GFA of the new library

¹ Pursuant to 11-B DCMR § 200.2(s)(2), a public library falls under the “Government, Local” use category. As such, a library use is subject to the corresponding parking requirements listed within Table C § 701.5.

building (22,990± square feet), 11 parking spaces are required.² However, the Applicant is only proposing nine parking spaces as part of this reconstruction project.

B. Burden of Proof

Pursuant to D.C. Code §6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant special exceptions where it finds the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and will meet such special conditions as may be specified in 11-Z DCMR Chapter 9. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested 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 Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (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.*

C. Justification for Special Exception from Lot Occupancy Requirement

Under 11-C DCMR § 1603.4, a public library in the R-2 zone district is permitted a maximum lot occupancy of 40%. In this case, a lot occupancy of 49.5% would remain in harmony with the general purpose and intent of the Zoning Regulations. Generally, lot occupancy regulations are intended to provide a primary control of the total volume of buildings on a lot through the restriction of a building’s horizontal area above a designated horizontal plane. (Subtitle B § 311.1.) More specifically, the lot occupancy standards applicable to a public library in the R-2 zone are intended to contribute, along with height regulations, to ensuring that such buildings are generally consistent in their volume, and do not defy the residential character intended by the zone. (*See id.*)

In this case, the additional lot occupancy over and above 40% would not contradict these intentions, but rather will enable a building volume that is still compatible with the surrounding area. Albeit the new structure will be slightly larger than the existing building, the replacement building maintains a comparable orientation and layout. The additional lot occupancy is needed to accommodate the range of programmatic elements that are typical of all recently reconstructed neighborhood libraries in the District and elements that have been specifically identified by the surrounding community. These include, but are not limited to, separate teen and children areas, technology areas, quiet study areas, and areas for collaboration. Moreover, the additional lot occupancy would not tend to adversely affect the use of neighboring property. The Property is bordered by four public rights-of-way, and the proposed landscaping will establish a buffer between the library and adjacent residential uses to the northeast. In light of the foregoing, a special

² Pursuant to 11-C DCMR § 709.1(c), for purposes of calculating the minimum parking requirement for a use falling within the Local Government use category in an R zone, the term gross floor area shall also include cellar floor area devoted to Local Government uses. The proposed Lamond Riggs replacement library building does not contain any cellar floor area.

exception from the lot occupancy requirement under 11-C DCMR § 1603.4, is appropriate for this project.

D. Justification for Special Exception from Minimum Number of Parking Spaces

Pursuant to 11-C DCMR § 701.5, and the proposed GFA of the replacement library building, a minimum of 11 parking spaces are required to be provided on-site. As shown on the plans submitted with this Application, nine parking spaces are proposed as part of the library replacement project, two fewer than the minimum requirement. The Board may grant a partial reduction in the number of parking spaces, subject to the general special exception requirements and the Applicant's demonstration of at least one of the criteria under 11-C DCMR § 703.2. As demonstrated below, the proposed reduction in parking spaces is justified based on the criteria set forth in 11-C DCMR §§ 703.2(b); 703.2(c); and 703.2(d):

- *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities.* [11-C DCMR § 703.2(b)].

The Property is located within about a 10-minute walking distance of the Fort Totten Metrorail station and is adjacent to a Metro bus stop along the E4 Route. In addition, there is a Capital Bikeshare station approximately 0.2 miles to the northwest at the intersection of South Dakota Avenue and Riggs Road, NE. As such, the Property is well-served by various forms of public transit and is accessible to a large population of visitors who do not need a car to reach the library destination.

- *Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces.* [11-C DCMR § 703.2(c)].

The library is located in an area that is predominantly residential, and, as discussed above, is well-served by various forms of public transit. Visitors of the public library are likely to include residents of nearby neighborhoods that live within walking or biking distance, public transit users, and others who might not be using a car. Moreover, a library is commonly a preferred destination for students to study, complete homework, and/or conduct research. Such extended stays may encourage parents/guardians to drop off their school-aged children and pick them up at a later time, which therefore lowers the demand for parking spaces. Thus, the land use is one that is unlikely to frequently utilize the eleven parking spaces that are required.

- *Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood* [11-C DCMR § 703.2(b)].

As proposed, the modest-sized library is unlikely to generate a large number of vehicle trips. As such, the requested parking relief – only a two space reduction – is unlikely to have an adverse impact on congestion. Furthermore, as stated above,

it is expected that most library patrons will arrive on foot, by bike, or on public transit.

In addition to satisfying the criteria under 11-C DCMR § 703.2, granting a special exception from the minimum number of parking spaces is in harmony with the spirit and intent of the Zoning Regulations. At public hearing, the Applicant will demonstrate that nine parking spaces will be sufficient to serve the new and improved library use. Furthermore, the provision of a fewer number of parking spaces will not tend to adversely affect neighboring property. As alluded to above, a fewer number of parking spaces is rather favorable given the residential character of the immediate area. For these reasons, a special exception from the minimum number of parking spaces is justified in this case.

III. REQUEST FOR EXPEDITED PROCESSING

Pursuant to 11-Y DCMR § 400.7, the Board shall have the authority to expedite applications, provided: (a) The Office of Planning recommends expediting the case and indicates the reason an expedited process is necessary and desirable; and (b) expediting the application shall not result in removing another application from the public hearing agenda for that date. The Applicant requests that the Board exercise such authority for this Application.

The existing library structure is in poor condition, and the new building will be a valuable addition to the area and will greatly benefit the public at-large. In coordination with DCPL, the Applicant is under a strict timetable to complete the proposed construction and deliver a new and improved Lamond-Riggs library by mid-2021. There is also tremendous excitement for the project, as the final design is the result of significant input received from the community and other District stakeholders. Accordingly, the Applicant encourages the Board to expedite this important Application.

IV. COMMUNITY ENGAGEMENT

The Property is located within the boundaries of Advisory Neighborhood Commission ("ANC") 5A. The Applicant has worked extensively with the ANC and the general community for the redevelopment of the library. As detailed by the general timeline below, in addition to meetings with the ANC, the Applicant has led several community meetings and focus groups with adults, parents of young children, seniors, teachers, students, and library staff:

Community Meetings:

- **October 5, 2017:** to outline the project process and timeline and to share examples of other DCPL replacement projects.
- **October 23, 2018:** to introduce the design team and gather initial input.
- **January 17, 2019:** to share the draft Library Building Program.

- **June 12 2019:** for the design team to share initial concepts for placement of spaces and services and to gather community feedback.
- **November 19, 2019:** for the design team to share the draft design of the new library and to gather community feedback.

Presentations to ANC 5A:

- **December 11, 2019:** Special ANC meeting to discuss the design for the replacement project and to garner ANC 5A's support in connection with review by the Commission of Fine Arts.
- **May 27, 2020:** Regular ANC meeting to update ANC 5A on design changes, as well as logistics regarding the interim library (located at premises 395 Ingraham Street, NE) and the anticipated construction schedule.

As required under 11-Y DCMR § 300.8(l), the Applicant has apprised ANC 5A of this Application and will continue to engage and collaborate with the ANC on this replacement project.