

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21067
2001 RIA Owner, LLC
2001 Rhode Island Avenue, N.E. (Square 4217-N, Lot 7)

HEARING DATES: March 6, May 8, and May 22, 2024¹
DECISION DATE: May 22, 2024

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to raze an existing structure and to construct a new detached four-story with cellar and penthouse, 50-dwelling unit (including six Inclusionary Zoning units), mixed-use building in the MU-4 zone:

- Special Exception under subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 705.1, pursuant to Subtitle X § 901.2
- Special Exception under Subtitle G § 207.14 from the rear yard requirements of Subtitle G § 207.6, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 26 (Amended, Final); Exhibit 4 (Original).)²

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commissions ("ANC") 5C and 5B, the "affected ANCs" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORTS. ANC 5C's report indicated that at a regularly scheduled, properly noticed public meeting on April 17, 2024, at which a quorum was present, ANC 5C voted to support the

¹ The application was postponed from March 6, 2024 at the Applicant's request. On May 8, 2024, the Board heard the merits and continued the application to receive additional information from the Applicant.

² The application was amended to add relief from the rear yard requirements. (Exhibit 26.)

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application. (Exhibit 42.) The ANC report requested that the Board allow “flexibility on the retaining wall design, and configuration of the steps and ramps to allow further improvement to the pedestrian environment and public space activation without a future modification” before the Board. The ANC report raised concerns about the impact of development in the area, including impacts on parking, traffic, and the pedestrian space. The Board noted ANC 5C’s resolution addressing development concerns in the area; however, the Board did not address the flexibility requested, as it refers to property located in public space which is outside of the Board’s purview.

The Single Member District Commissioner for SMD 5C-07 testified at the hearing in support of the application on behalf of ANC 5C, noting the benefit of the Applicant providing ground floor retail in lieu of parking.

ANC 5B’s report, dated May 4, 2024, indicated ANC 5B’s strong support for the application as beneficial to the community; however, the letter did not provide information regarding the ANC’s meeting date or a vote on the matter. (Exhibit 46.) ANC 5B did not express any issues or concerns with approval of the application.

OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the application, subject to the Transportation Demand Management (“TDM”) plan in the DDOT Report. (Exhibit 35.) The Board adopted the TDM plan as part of this order.

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the application, subject to the TDM Plan, because it concluded that the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 34.)

PERSONS IN SUPPORT. The Board received 14 letters in support of the application. (Exhibits 27-29, 32, 37-39, 43-45, 47-49, and 54.)

PERSONS IN OPPOSITION. The Board received one letter in opposition to the application from the Woodridge Civic Association. (Exhibit 36.) At the public hearing of May 8, 2024, Jeremiah Montague, President of the Woodridge Civic Association, testified in opposition to the application.

Reverend Brian Sanderfoot of the St. Francis de Sales Catholic Church also testified in opposition to the application, raising concerns about the project’s impact on the trees, retaining wall, and the church’s property generally during construction. After consulting with the Applicant’s representatives on these matters, Rev. Sanderfoot withdrew his opposition to the application. (Exhibit 57.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute

binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Special Exception under subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 705.1, pursuant to Subtitle X § 901.2
- Special Exception under Subtitle G § 207.14 from the rear yard requirements of Subtitle G § 207.6, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the revised plans shown in Exhibit 50B of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITION**:

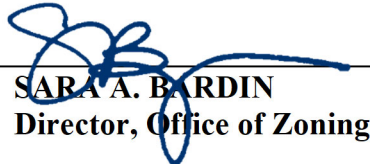
1. The Applicant shall implement the TDM Plan in Exhibit 50A of the record.

VOTE: 5-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; Lorna L. John not present, not participating)

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 28, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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 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 SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION 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 CONDITION 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.