

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18668 of CAS Riegler Companies, pursuant to 11 DCMR §§ 3103.2 and 3104.1 for a variance from the court dimension requirements under section 776,¹ a variance from the floor area ratio requirements under subsection 2604.1, a variance from the lot occupancy requirements under subsection 2604.2, a variance from the off-street parking requirements under subsection 2101.1, a variance from the size of parking space requirements under subsection 2115.1, a variance from the parking space setback requirements under subsection 2116.12, and a special exception from the roof structure provisions under subsection 411.11, to allow the construction of a mixed-use residential building with ground floor retail in the C-2-A District at premises 1100 Q Street, N.W. and 1101 Rhode Island Avenue N.W. (Square 310, Lots 33 and 807).

HEARING DATE: December 3, 2013
DECISION DATE: December 3, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (“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”) 2F, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a report dated November 26, 2013 in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on November 6, 2013, with a quorum present, the ANC voted 8-0-0 to support the Applicant’s request. (Exhibit 29.) ANC 2F commissioner Walt Cain also testified in support of the application at the public hearing. The Office of Planning (“OP”) submitted reports of support (subject to conditions that the Applicant satisfied) and no objection dated November 22, 2013 and November 27, 2013 respectively (Exhibits 25 and 30), and testified at the hearing in support of the application. The District Department of Transportation (“DDOT”) submitted a report,

¹ With the Board’s permission, the Applicant amended the application to include the court relief from section 776.

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Board of Zoning Adjustment
District of Columbia
ZONING COMMISSION
CASE NO. 18668
District of Columbia
EXHIBIT NO. 36
CASE NO. order-18668
EXHIBIT NO.

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dated November 26, 2013, stating that it had no objections to the requested relief, subject to conditions. (Exhibit 27.)

Special Exception Relief:

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, for a special exception for a roof structure under subsection 411.11. 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 adverse to any party. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 411.11, that the requested relief can be granted as 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.

Variance Relief:

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 § 3103.2, for variances from the court dimension requirements under section 776, the floor area ratio requirements under subsection 2604.1, the lot occupancy requirements under subsection 2604.2, the off-street parking requirements under subsection 2101.1, the size of parking space requirements under subsection 2115.1, and the parking space setback requirements under subsection 2116.12. 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 adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§ 776, 2604.1, 2604.2, 2101.1, 2115.1, and 2116.12, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 26 – Revised Drawings, be **GRANTED WITH THE FOLLOWING CONDITIONS**:

1. If the building will be a rental building, then the Applicant shall provide a one-year car share and bike share membership to each new tenant that signs a lease within five (5) years after the building receives a certificate of occupancy. If the building will be a condominium, then the

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Applicant shall provide a one-year car share and bike share membership at closing to each initial unit purchaser.

2. The Applicant shall provide a transportation information screen in the building lobby that will show real time arrival/availability information for nearby trains, buses, car shares, and bike shares.
3. The Applicant shall implement the transportation demand management plan as follows:
 - a. A member of the property management team will be designated a Transportation Management Coordinator (TMC) to provide information to residents. The TMC will prepare a package of information for residents identifying the available alternative modes of transportation and other supportive programs.
 - b. Links to CommuterConnections.com and goDCgo.com will be provided on the property management websites.
 - c. Transportation alternative brochures will be provided in a common, shared space.
 - d. Up to forty (40) convenient, covered, and secure bike parking spaces will be provided.

VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

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

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 11, 2013

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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

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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 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.