

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 21, 2025

SUBJECT: BZA Case 16930A, request to modify Board of Zoning Adjustment (BZA) Order No. 16930 to eliminate Condition 3 and remove the loading facilities of an existing office building in the D-3 Zone.

I. BACKGROUND

On October 22, 2002, the BZA, through BZA Order No. 16930, granted approval of a special exception and several variances for the Applicant, the National Association of Realtors, to construct an office building at its current location of 500 New Jersey Avenue NW. Specifically, the site has received the following BZA approval(s):

Order No.	Date	Action
16930	October 22, 2002	<ul style="list-style-type: none"> • Approval of a variance from the floor area ratio (FAR) requirements of Section 771 of the 1958 Zoning Regulations. • Approval of a variance from height requirements of Section 770. • Approval of a variance from parking requirements of Section 2101. • Approval of a variance from loading requirements of Section 2201. • Approval of a special exception to construct an office building that deviates from the roof structure requirements of Section 411.5

II. APPLICATION IN BRIEF

The Applicant request is to modify the approved plans and Condition 3 of approval granted in BZA Order No. 16930. The Applicant also requests approval of special exception relief from the loading requirements of Subtitle C § 909.2, to eliminate two existing loading spaces.

III. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested modification of the approved plans and to eliminate Condition 3 from BZA Order No. 16930 pursuant to Subtitle Y § 704.

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Loading Requirements, Subtitle C § 901.1 and C § 905.4, pursuant to Subtitle C § 909 and X § 901 (1 loading space and 2 loading berths required; 1 loading space and 1 loading berth existing; 0 loading spaces and 0 loading berths proposed)

IV. LOCATION AND SITE DESCRIPTION

Address	500 New Jersey Avenue NW
Applicant	National Association of Realtors c/o Derick Wallace
Legal Description	Square 0627; Lot 0013
Ward, ANC	Ward 6; ANC 6E
Zone	D-3, High-Density Office, Retail, Services, and Residential
Lot Characteristics	The approximately 8,285 square-foot lot is triangular in shape with 68.33 feet of frontage along E Street NW, 242.50 feet of frontage along 1 st Street NW, and 251.94 feet of frontage along New Jersey Avenue NW.
Existing Development	The lot is currently improved with a 12-story office building with subgrade parking facilities.
Adjacent Properties	The property is bounded to the north by F Street NW, to the south by E Street NW, to the east by New Jersey Avenue NW, and to the west by 1 st Street NW.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by high-density commercial development in the D-3 Zone. Surrounding existing developments include Georgetown University's Capitol Campus, the Hyatt Regency Washington on Capitol Hill hotel, and Washington Court Hotel.
Proposed Development	The Applicant is proposing to construct several improvements to the existing building lobby and surrounding public space in addition to the modification of prior approvals granted under BZA Order No. 16930.

V. ZONING REQUIREMENTS and RELIEF REQUESTED

D-3 Zone	Regulation	Existing	Proposed	Relief
Density (FAR) I § 200	6.5 max.	10.6	No change	None requested ¹
Height I § 201	110 ft. max.	130 ft.	No change	None requested ¹
Loading Berths and Service /Delivery Spaces C § 901	<ul style="list-style-type: none">• Loading Berths: 2• Service/Delivery Spaces: 1	<ul style="list-style-type: none">• Loading Berths: 1• Service/Delivery Spaces: 1	<ul style="list-style-type: none">• Loading Berths: 0• Service/Delivery Spaces: 0	Special exception relief requested
Parking C § 701	50 spaces	25 spaces (relief granted)	No change	None requested ¹

¹ Existing nonconformity as a result of variance relief granted through BZA Order No. 16930, under the 1958 Zoning Regulations.

VI. OFFICE OF PLANNING ANALYSIS

A. Subtitle C § 909 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS

909.2 *The Board of Zoning Adjustment may grant full or partial relief from the number of loading berths or service/delivery spaces required by Subtitle C § 901.1, or from the size and layout requirements of Subtitle C § 905, as a special exception under Subtitle X, Chapter 9, and under the applicant's demonstrations to the Board's satisfaction that:*

- (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;*
 - (1) *The nature of the use or structure; or*
 - (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 states that the property's current use an office space has generated lower loading demands than the minimum standards listed in Subtitle C § 901. The Applicant occupies a significant portion of the building and has been actively monitoring and managing the usage of the building's loading areas. As such, the Applicant attests that the existing loading spaces have gone largely underutilized, and that, instead, much of the loading/service activities have been taking place in the property's curbside loading area.

As shown in the plans submitted as Exhibits 16B1, 16B2, and 16B3, the Applicant proposes to replace the existing loading berth with an internal area that accommodates trash bins, carts, and dumpsters so that they no longer need to be located in the curbside loading area.

Based on the above, the Applicant has provided adequate evidence to support the removal of the existing loading berth and loading space.

- (b) *The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 and 11 of Title 24 DCMR; or*

This criterion is not applicable to the subject application as vehicular access to the lot is possible via curbside loading.

- (c) *The loading berths or service/delivery spaces are required for an addition to a Historic Resource, and providing the required loading facilities in compliance with the requirements of Subtitle C §§ 901 and 905 would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.*

This criterion is not applicable to the subject application as the property does not contain a Historic Resource.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 *The Board of Zoning Adjustments is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

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

The special exception, if granted, should be in harmony with the general purpose and intent of the D-3 Zone, which includes “provide for adequate and visually acceptable parking and consolidated loading facilities that do not interfere with active, pedestrian-oriented sidewalks and the flow of vehicular traffic”.

The proposed removal of the existing under-used loading berth combined with the reconfiguration of the existing curbside loading space represents the Applicant’s intent to provide loading capacity that is in line with the property’s current use as an office space. Furthermore, the proposal would allow for an improvement to the public space surrounding the property as the Applicant states that the elimination of the existing driveway to the loading berth would also result in an increase in the amount of landscaping.

- (b) *Will not tend to affect adversely, the use of the neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The special exception, if granted, should not adversely affect the use of the neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposal neither represents an increase in loading capacity for the site, nor does it represent an increase in vehicular traffic that would access the site. As stated above, the elimination of the driveway to the loading berth will be replaced with landscaping, thus increasing the visual interest of the subject property to its neighbors.

- (c) *Will meet special conditions as may be specified in this title.*

The Applicant has adequately addressed the conditions associated with relief from this loading space/loading berth provisions.

B. REMOVAL OF CONDITION 3 OF THE ORIGINAL ORDER

The Order for Case 16930 included the following condition of approval:

3. *The Applicant shall recommend in writing to DDOT that no solid barrier or wall separate the proposed loading area in public space on the west side of the building from the sidewalk area. The Applicant shall submit a copy of said recommendation to the Office of Zoning for submission in the application record.*

This condition is related to the existing loading and service bay area which is proposed to be eliminated. As such, OP does not oppose its removal from the Order.

VII. OTHER DISTRICT AGENCIES

As of the date of this report, no comments from other District agencies have been submitted into the record.

VIII. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 18 is a memo from ANC 6E indicating support.

IX. COMMUNITY COMMENTS

As of the date of this report, no comments have been received by the community.

Location Map

