

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



**BZA Application No. 16930-A
National Association of Realtors
500 New Jersey Avenue, NW (Square 627, Lot 13)**

HEARING DATE (16930):	October 22, 2002
DECISION DATE (16930):	October 22, 2002
ORDER ISSUANCE DATE (16930):	November 4, 2002
HEARING DATE (16930-A):	April 2, 2025
DECISION DATE (16930-A):	April 2, 2025

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING**

Pursuant to notice, at its April 2, 2025 public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing to BZA Order No. 16930 to modify Board of Zoning Adjustment Order No. 16930 by eliminating Condition No. 3 and removing the loading facilities of an existing office building in the D-3 zone. The Board considered the request for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 16930, the Board approved the request by Lawrence N. Brandt, Inc. for variance and special exception relief under the ZR58 regulations to construct an office building to serve as the National Association of Realtors headquarters building, with ground floor retail uses. The Board issued Order No. 16930 on November 4, 2002. (Exhibit 16-A of the record for Case No. 16930-A.) The approval was subject to three conditions:

1. The Applicant shall construct the building in conformance with the building plans prepared by Graham Gund and SMB Architects.
2. The tower proposed on the north side of the building shall only be used as an architectural embellishment and shall not be used for any other purpose.
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

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area. The Applicant shall submit a copy of said recommendation to the Office of Zoning for submission in the application record.

PROPOSED MODIFICATION. On December 11, 2024, National Association of Realtors (the “Applicant”), submitted a request for a modification with hearing to Order No. 16930. (Exhibits 1-12.) The proposed modifications included eliminating Condition No. 3 and removing the loading facilities of an existing office building. The Applicant submitted revised plans reflecting these modifications. (Exhibit 24.) The Applicant proposes to modify the conditions by eliminating Condition No. 3 noted above.

Based on the proposed modifications, the Applicant requests:

- Special Exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909 and Subtitle X § 901.2 (*1 loading space and 2 loading berths required; 1 loading space and 1 loading berth existing; 0 loading spaces and 0 loading berths proposed*)
- Special Exception from the loading size and layout requirements of Subtitle C § 905.4, pursuant to Subtitle C § 909 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 8.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 7.) 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.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 6E.

ANC REPORT. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on February 27, 2025, at which a quorum was present, the ANC voted to support the modification. (Exhibit 18.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the modification. (Exhibit 20.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the modification with the condition that the Applicant implement the proposed Loading Management Plan “LMP” and Transportation Demand Management “TDM” Plan included with the DDOT report as Attachment 1 and Attachment 2, respectively. (Exhibit 21.) The Board did not adopt the TDM Plan as condition of the Order; however, the Board notes the Applicant’s commitment to implementing the TDM Plan at the site. The LMP is adopted as a condition of this order.

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing¹ requires a public hearing and shall be processed as a modification with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2, and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions, and modification with hearing.

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.

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 a modification with hearing to modify Board of Zoning Adjustment Order No. 16930 by eliminating Condition No. 3 and removing the loading facilities of an existing office building in the D-3 zone, and for the requested relief:

- Special Exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909 and Subtitle X § 901.2 (*1 loading space and 2 loading berths required; 1 loading space and 1 loading berth existing; 0 loading spaces and 0 loading berths proposed*)
- Special Exception from the loading size and layout requirements of Subtitle C § 905.4, pursuant to Subtitle C § 909 and Subtitle X § 901.2

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in the record at Exhibit 24, subject to the following **CONDITIONS**, which shall replace and supersede the conditions of BZA Order No. 16930:

1. The tower proposed on the north side of the building shall be only used as an architectural embellishment and shall not be used for any other purpose.
2. The Applicant shall implement the Loading Management Plan (LMP) as described in the DDOT Report. (Exhibit 21, Attachment 1).

In all other respects, Order No. 16930 remains unchanged.

¹ See, Subtitle Y § 703.7.

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VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Gwen Marcus Wright to APPROVE; one Board seat vacant)

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

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

ATTESTED BY:



On behalf of

SARA A. BARDIN

Director, Office of Zoning

FINAL DATE OF ORDER: April 10, 2025

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 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,

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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.