

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Crystal Myers, Case Manager  
MBR Maxine Brown-Roberts, Associate Director for Development Review

**DATE:** October 16, 2026

**SUBJECT:** BZA #19616B – 818 Potomac Ave. SE – Modification with Hearing Request

### I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested Modification with a Hearing pursuant to Subtitle Y § 704, and the requested special exception as follows:

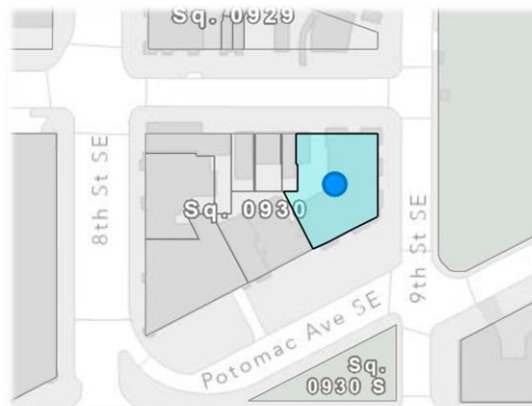
- Subtitle C § 901.1 - Loading Requirement (1 loading berth required; 0 proposed) pursuant to C § 909.2 and X § 901.2.

The Applicant also proposes five conditions of which OP is supportive.

### II. LOCATION AND SITE DESCRIPTION

|                               |                                                                                               |
|-------------------------------|-----------------------------------------------------------------------------------------------|
| Applicant                     | Thomas Jefferson Real Estate LLC                                                              |
| Address                       | 818 Potomac Avenue, SE                                                                        |
| Legal Description             | Square 930, Lot 23                                                                            |
| Ward / ANC                    | Ward 8 / ANC 8F                                                                               |
| Zone                          | NMU-7B/ES                                                                                     |
| Historic District or Resource | Capitol Hill Historic District                                                                |
| Adjacent Properties           | Rowhouses and a historic residential building                                                 |
| Neighborhood Character        | The surrounding neighborhood is predominantly mixed-use with residential and commercial uses. |

### III. LOCATION MAP



#### IV. BACKGROUND

On January 9, 2018, BZA Order 19616, granted special exception relief from the lot occupancy, ground floor use, and penthouse setback requirements to allow construction of a 49-unit multifamily building with a habitable penthouse. Construction began in 2019, and the building opened in May 20219 ([Exhibit 6](#)).

On July 14, 2021, BZA Order 19616A, ([Exhibit 8](#)), granted a modification of significance and special exceptions to temporarily change the building from residential to lodging use. At that time, the building also required special exception relief because it did not provide loading facilities, clothing lockers, or showers which are requirements of the lodging use. The BZA Order included seven conditions, with the sixth condition limiting the approval to a five-year term. The five-year term expired on July 24, 2026.

#### V. PROJECT DESCRIPTION

The Applicant is now requesting a modification with hearing to continue operating the building as a lodging use without a term limit. The requested modification would allow the lodging use, which is a similar matter-of-right use as residential, to continue on the property. However, unlike a residential use, lodging has loading and bicycle requirements. The building continues to not have loading facilities so special exception relief from the loading requirements is requested again. Relief for lockers and showers, associated with bicycle parking, is no longer required because those facilities are now provided as the Applicant repurposed one of the two-bedroom units into a management office that includes the required two showers and two clothing lockers. No other physical changes to the building are proposed, and no additional zoning relief is needed.

#### VI. ZONING REQUIREMENTS AND RELIEF REQUESTED

| NMU-7B/ES       | Regulation      | Existing        | Proposed        | Requested Relief                   |
|-----------------|-----------------|-----------------|-----------------|------------------------------------|
| Loading C § 901 | 1 Loading Berth | 0 Loading Berth | 0 Loading Berth | <b>Special Exception Requested</b> |
| Shower C § 806  | 2               | 2               | 2               | Conforms                           |
| Lockers C § 806 | 2               | 2               | 2               | Conforms                           |

#### VII. ANALYSIS

##### A. Special Exception Relief from Loading Requirements of C § 901.1, pursuant to C § 909.2

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*

Loading demand for the building is low because the building does not have restaurants or event/large gathering space. Loading is only needed for trash pick-up and linen exchanges.

*(2) A loading demand management plan filed in the case record in accordance with Subtitle Y § 300.14 and approved by 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; or*

The project includes a loading demand management plan.

*(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 or 11 of Title 24 DCMR;*

The property does not have alley access, and loading activities cannot utilize the existing curb cut on L Street or have a second curb cut created. The site's only curb cut on L Street provides access to the below-grade parking garage. Using this curb cut for loading would block access to the garage or require removal of the at-grade, ADA-required accessible parking space. There is no viable location on the property to relocate either the accessible space or a loading berth. The garage operates with an automated mechanical parking system, which cannot accommodate an ADA space or loading functions.

As a result, a second curb cut would be necessary; however, the Applicant cannot provide one without violating 24 DCMR § 605.8, which requires DDOT approval for curb cuts. DDOT's Design and Engineering Manual establishes that more than one curb cut per building may be permitted only where a compelling need exists. It also requires that multiple curb cuts on the same property be at least 12 feet apart, curb cuts on adjoining properties be at least 24 feet apart, and any driveway served by a curb cut be at least 60 feet from an intersection.

A second curb cut on L Street would either conflict with the historic row dwelling, where loading is not permitted, or be located less than 60 feet from the L Street and 9th Street intersection. The property also lacks sufficient frontage along 9th Street to place a curb cut at least 60 feet from both the 9th and L Street intersection and the Potomac Avenue and 9th Street intersection. Along Potomac Avenue, the site's 78-foot frontage cannot accommodate the 60-foot setback from the Potomac Avenue and 9th Street intersection, the required 6-foot offset from the western property line, and the 18-foot minimum driveway width needed for two-way circulation.

The Applicant also points out that providing a second curb cut would result in significant changes to the building façade and would likely not be approved by the Historic Preservation Review Board.

*(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.*

Not Applicable. The building is in the Capitol Hill historic district, but it is not a historic resource.

**General Special Exception Relief, Subtitle X § 901.2:**

*Is the special exception in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The loading requirements are intended to adequately accommodate the loading activities on the property. As a lodging use that does not have a restaurant or gathering space, the property is not expected to generate significant levels of loading activity. The Applicant plans to continue following the loading management plan in their Transportation Study. The plan includes having a loading manager and conducting trash pickup in the curbside along L Street SE. The requested loading berth relief would not be contrary to the intent of the Zoning Regulations and Zoning Maps.

*Would the special exception appear to tend to affect adversely, the use of neighboring property?*

The surrounding neighborhood should continue to not be significantly adversely impacted by the building not having a loading berth on-site. According to the Applicant over the past five years there have been no major impacts or disruptions to the neighborhood due to loading activities. The building does not include restaurants and event spaces and guests only arrive with a few personal belongings.

**B. Conditions**

The Applicant proposes to reimpose the following conditions of BZA Order 19616A:

1. The Applicant shall provide two additional short-term bicycle parking spaces (one inverted U-rack).
2. The Applicant shall provide one electric vehicle charging station in the parking garage
3. The Applicant shall implement the Transportation Demand Management Plan detailed in Exhibit 32 of Case No. 19616-A for the life of the project, unless otherwise noted.
4. The Applicant shall implement the Loading Management Plan detailed in Exhibit 32 of Case No. 19616-A for the life of the project.
5. All accessory uses associated with the nonresidential lodging use that would generate loading demand, e.g., conference space, restaurant use, etc., shall be prohibited. The Zoning Administrator shall be authorized to determine whether any accessory use will generate loading demand.
6. ~~The approval of the special exception relief from the loading and bicycle parking requirements granted in Order No. 19616-A shall be for a term of five (5) years from the effective date of this order.~~

Condition 6 is no longer valid as it deals with the time limit which has expired. The Applicant has also requested that no time limit be placed on this proposal. OP is satisfied that a new term limit is not necessary as lodging use is permitted as a matter-of-right in the zone and the application meets the special exception criteria for relief from the loading requirement as demonstrated below. Therefore, the use is expected to continue without causing an undue impact on the surrounding neighborhood.

~~7. The Board grants flexibility, pursuant to Subtitle A § 304.10, to the Applicant to convert the lodging use approved in Order No. 19616-A to a residential use without approval from the Board as a modification provided that the Applicant shall comply with the Inclusionary Zoning requirements in effect at the time of any conversion.~~

Under the recent ZC Order 25-12, the Zoning Administrator is allowed to administratively change the principal use when the new use is also a matter-of-right use. In this case both residential and lodging uses are allowed as a matter of right in the NMU-7B/ES zone. As a result, Condition 7 is no longer necessary.

## **VIII. COMMENTS OF OTHER DISTRICT AGENCIES**

Currently, there are no other District Agency comments in the record.

## **IX. ANC COMMENTS**

Currently, there is no report in the record from ANC 8F.

## **X. COMMUNITY COMMENTS**

Currently, there are no comments from the community in the record.