

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 18, 2019

SUBJECT: BZA Case 19907 (861 New Jersey Avenue, SE) to permit the development of a new hotel that would not obstruct a sidewalk¹ abutting New Jersey Avenue, SE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Front Build-To Line, Subtitle I § 203.1, pursuant to Subtitle I § 203.3 (building wall shall be constructed to or within four feet of a property line abutting a right-of-way to a height of at least 15 feet; building wall would be set back 12 feet from the property line abutting a right-of-way to a height of 16’-8”).

This approval is based on the following conditions, both of which are consistent with the applicant’s filings but which would help to minimize the potential impacts of the request and ensure that the criteria for the special exception review are adequately met:

1. All doors fronting New Jersey Avenue, SE should be designed to not swing into the sidewalk to ensure the sidewalk is fully open to the public, as proposed by the applicant in Exhibit 2, and
2. The sidewalk abutting New Jersey Avenue, SE should be maintained as a publicly accessible sidewalk at all times of the day, as proposed by the applicant in Exhibit 30A.

II. LOCATION AND SITE DESCRIPTION

Address	861 New Jersey Avenue, SE
Applicant	Greystar GP II, LLC
Legal Description	Square 695, Lots 820 and 823
Ward, ANC	6/6D
Zone	D-5
Lot Characteristics	Large irregularly shaped through lot with 472,209 square feet (10.85 acres) of lot area. The lot is bounded by New Jersey Avenue, SE to the east, I Street, SE and adjacent properties to the south, South Capitol Street, SE and adjacent properties to the west, and the CSX right-of-way to the north.

¹ The term “sidewalk” in this report refers to an existing sidewalk that is privately owned and is located entirely within the applicant’s property.

Existing Development	The property is not improved with any structures, but there are temporary trailers associated with CSX’s construction activities related to the Virginia Avenue tunnel construction project.
Adjacent Properties	Apartment buildings, coal storage facility, and a car wash.
Surrounding Neighborhood Character	Apartment buildings with ground floor retail. The building directly to the south, constructed prior to the adoption of the current requirements, provides a setback from the New Jersey Ave. property line consistent with the proposal.
Proposed Development	The applicant proposes to construct a 10 story and penthouse hotel with ground floor retail space on a portion of the lot ² . The front wall of the proposed building would be set back from the front property line to match the existing front setback of the building directly to the south. The existing sidewalk on the west side of New Jersey Avenue, SE is located on the applicant’s property and the proposed setback would allow the existing sidewalk on New Jersey Avenue, SE to be retained.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

D-5 Zone	Regulation	Existing	Proposed ³	Relief
Height I § 540.1	120 ft. max.	n/a	Approx. 115 ft.	None Required
Lot Width	n/a	Varies – min 88 ft.	No change	None Required
Lot Area	n/a	468,841 sq. ft.	23,172 sq. ft. of lot area to be developed	None Required
Floor Area Ratio I § 539.9	6.5 max. for non- residential uses	n/a	0.28 (133,039/468,841) for entire lot; 5.74 for the portion of the lot to be developed	None Required
Lot Occupancy I § 202.1	100% max.	n/a	5% for the entire lot	None Required
Rear Yard I § 205.1	12 ft. min.	n/a	Not provided by applicant	Assumed conforming
Front Setback I § 203.3	Building wall shall be constructed to or within 4 ft. of any property line abutting a right-of-way to a height of at least 15 ft.	n/a	Building wall would be set back 12 feet from front property line to a height of 16 ft. 8 in. above grade	Special Exception Required

² The applicant states that the proposed hotel is part of a larger development on the eastern portion of the lot, including two residential buildings that would be designed as a matter-of-right.

³ Information provided by the applicant. See exhibit 3.

D-5 Zone	Regulation	Existing	Proposed³	Relief
Side Yard I § 206.1	n/a	n/a	97.5 ft.	None Required

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief from Subtitle I § 203.1, Front Build-To Line.

The general development standards under Subtitle I § 203.1 require that at least 75 percent of a building's wall facing a street named after a state be constructed to or within four feet of a property line to a height of at least 15 feet. The property's eastern property line that abuts the New Jersey Avenue, SE right-of-way extends all the way to the existing curb resulting in the existing sidewalk being located on the subject property instead of in the public right-of-way. If the applicant were to comply with the front build-to line requirement and construct the building wall on the property line, a sidewalk would not be possible in front of the proposed hotel, and the existing sidewalk on this side of the street would end at the property to the south at 82 I Street, SE.

a) The integrity of the blockface's build-to line shall not be eroded when the property is viewed from either end of the blockface; and

To allow for a sidewalk, and to provide for a consistent sidewalk and streetscape, the applicant proposes to set back the first story of the building 12 feet from the property line abutting New Jersey Avenue, SE. This first story would be 16 ft. 8 in. in height. The remaining floors above the first floor would be set back at least six feet from the property line and would partially hang over the first floor and sidewalk. The proposal would align with the existing setbacks of the building wall to the south (82 I Street, SE). The blockface will not be eroded as the proposal will retain the existing sidewalk and will align with the existing building wall to the south.

b) The area in excess of twenty-five percent (25%) that is removed from the lot line shall be open to the public during daylight hours.

The area in excess of the 25 percent that is removed from the lot line abutting New Jersey Ave, SE would contain the existing sidewalk. The applicant states that this area would be open to the public at all times of the day and would be used as a public sidewalk. The intent of this provision would be further addressed through the conditions proposed earlier, that doors fronting New Jersey Avenue be designed to not swing into the sidewalk.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments had not been filed to the record by other agencies.

VI. COMMUNITY COMMENTS TO DATE

At its regularly scheduled meeting on December 10, 2018, ANC 6D voted to recommend approval of the requested relief (Exhibit 29), subject to conditions to which the applicant has agreed (Exhibit 30A).

Attachment 1: Location Map

