

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19907 of Greystar GP II, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle I § 203.3 from the front build-to line requirements of Subtitle I § 203.1, to construct a hotel with ground floor retail uses in the D-5 Zone at premises 861 New Jersey Avenue S.E. (Square 695, Lots 820 and 823).

HEARING DATE: January 30, 2019
DECISION DATE: January 30, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The 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 Commissions ("ANC") 6D and 6B, and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6D and borders on the boundary line for ANC 6B, therefore both ANCs are automatically parties to this application. ANC 6B did not file a report; however, ANC 6D submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 10, 2019, at which a quorum was present, the ANC voted 5-0-2 to support the application, with conditions agreed to by the Applicant. (Exhibit 29.) The Board adopted the conditions, except those dealing with construction management, as it found that those conditions were not sufficiently related to the zoning relief requested.

The Office of Planning ("OP") submitted a timely report recommending approval of the application with the conditions agreed to by the Applicant, which have been adopted in this order. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 34.)

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

Board of Zoning Adjustment
District of Columbia
CASE NO.19907
EXHIBIT NO.37

No one testified or filed correspondence either in support of or opposition to the application.

As directed by 11-X DCMR § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the front build-to line requirements of Subtitle I § 203.1 to construct a hotel with ground floor retail uses in the D-5 Zone. The only parties to the case were the ANC and the Applicant. 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, the Board concludes that the Applicant has met the burden of proof, pursuant to 11-X DCMR § 901.2, and Subtitle I §§ 203.1 and 203.3, 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.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 30B – APPLICANT’S SUPPLEMENTAL INFORMATION: TAB B (UPDATED PLANS), AND EXHIBIT 35 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS (TO SHOW INCREASE IN SIDEWALK WIDTHS) - AND WITH THE FOLLOWING CONDITIONS:**

Loading Management Plan

1. The hotel operator shall encourage vehicular traffic coming to the hotel to use the interior street for the drop-off and pick-up of hotel guests.
2. The Applicant shall seek approval from DDOT to establish a loading zone along New Jersey Avenue, S.E. in front of the hotel that would accommodate at least 3 vehicles.
3. The Applicant shall start a dialogue with DDOT regarding the creation of a protected bike lane on the south-bound side of New Jersey Avenue, S.E.
4. The hotel operator shall use best efforts to prohibit vehicles (taxis, Uber/Lyft) from double parking on New Jersey Avenue, S.E. when dropping-off/picking up guests of the hotel.
5. The hotel operator shall meet with ANC 6D and/or appropriate representatives of the nearby apartment buildings within six months after the hotel has started operations to

evaluate the effectiveness of the New Jersey Avenue loading zone and to address general vehicular access issues.

6. The hotel operator shall designate an on-site employee as the loading dock manager who shall use best efforts to require that all deliveries to the hotel arrive between the hours of 7:00 am – 7:00 pm.
7. The loading dock manager shall use best efforts to prohibit the idling of any trucks that are waiting to access the loading facilities of the building. The hotel operator shall install signs in the truck loading areas noting that idling is prohibited.

Additional Commitments of the Applicant


8. The Applicant shall ensure that the design of the building along New Jersey Avenue, S.E. and the adjacent streetscape shall prevent the possibility of pedestrians being hit by doors opening out into the pedestrian travelway.
9. The Applicant shall investigate the need for security camera coverage across the entire site upon completion of the project.
10. The Applicant shall create a dog park, for the exclusive use by residents of the project and their guests, within the boundaries of the site.
11. The Applicant shall fully embrace and utilize the area underneath the freeway for amenity spaces that will be reserved for use by hotel guests and residents of the project.
12. The sidewalk abutting New Jersey Avenue, S.E. shall be maintained as a publicly accessible sidewalk at all times of the day.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE; Lesylleé M. White not participating).

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

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

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: February 1, 2019

BZA APPLICATION NO. 19907
PAGE NO. 4

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 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 SUBTITLE Y § 705 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, 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

BZA APPLICATION NO. 19907
PAGE NO. 5

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.