

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** September 10, 2021  
**SUBJECT:** BZA Case 20508 (7 New York Avenue, NE) to permit a 14-story and penthouse apartment building.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Loading Berth, Subtitle C § 901.1, pursuant to Subtitle C § 909.2(a) (one loading berth required; no loading berth proposed).

Originally requested relief from Subtitle C § 1500.9 was withdrawn (Exhibit 30), due to design changes which eliminated the need for this relief.

**II. LOCATION AND SITE DESCRIPTION**

Address	7 New York Avenue, NE
Applicant	9 New York Ave LLC
Legal Description	Square 671, Lot 14
Ward, ANC	6/6C
Zone	D-5
Lot Characteristics	Irregularly shaped through lot measuring 164 feet by 66 feet. The lot is bounded by New York Avenue, NE to the north, N Street, NE to the south, a hotel to the east, and reservation 183 to the west.
Existing Development	The site is currently improved with a three-story building formerly owned by the Covenant House.
Adjacent Properties	A high-rise hotel is adjacent to the subject property.
Surrounding Neighborhood Character	The surrounding neighborhood includes a high-rise hotel, apartment houses, and industrial buildings.
Proposed Development	The applicant proposes to construct a 14-story and penthouse apartment building with 116 units. The ground floor and penthouse are both proposed to be used as amenity space for the building.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>D-5 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height I § 540.1	130 ft. max.	40 ft.	130 ft.	None Required
Lot Width	No requirement	164 ft.	No change	None Required
Lot Area	No requirement	5,009 sq. ft.	No change	None Required
Floor Area Ratio	No requirement for residential use	2.7 FAR	13.74 FAR	None Required
Lot Occupancy I § 202.1	No requirement	88%	100%	None Required
Rear Yard I § 205.2	No requirement for through lots	N/A	N/A	None Required
Side Yard I § 206.1	4 ft. min. if a side yard is provided	No side yard provided	No side yard provided	None required
Parking I § 212.1	No requirement	8 parking spaces	No parking spaces provided	None required
Loading Berth C § 901.1	1 loading berth required	N/A	No loading berth provided	<b>Special exception relief</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**Special Exception Relief from Subtitle C § 901.1, Loading Berth.**

Relief is required from the loading berth requirements because the applicant does not propose to provide a loading berth and associated loading platform. The applicant does propose to provide one required service/delivery space, but it is proposed to be in public space along N Street, NE.

909.2 *The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:*

- (a) *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; or*

The subject property does not have access to a public alley and only has frontage along New York Avenue, NE and N Street, NE. The District Department of

Transportation (DDOT) informed OP that a curb cut would not be supported and would be in violation of DDOT's Design and Engineering Manual requirements. The applicant also stated in Exhibit 5 that the manual would not allow for the creation of a new curb cut on New York Avenue, NE because it is a street with high traffic volume and a new curb cut would not be allowed on N Street, NE because it would be located too close to an existing curb cut.

*ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

An intent of the loading regulations is to ensure loading does not interfere with adjoining properties and public spaces. The applicant has worked with DDOT on a Loading Management Plan to mitigate the lack of loading, discussed below, such that the intent is achieved. There would also be a curbside loading zone behind the building along N Street, NE that would be located in such a way as to not impede vehicular traffic. The proposed 116-unit 14-story apartment building would be in the D-5 zone, which is intended to promote high-density development. The proposal would be in harmony with the general purpose and intent of the Zoning Regulations.

*iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The proposal to reduce loading should not adversely affect the use of neighboring properties, provided the applicant implements the conditions of approval as recommended by the Loading Management Plan (Exhibit 30C) submitted by the applicant, intended to mitigate the impacts of the lack of loading facilities. The Loading Management Plan requires that:

- A loading zone manager be designated by building management to be on duty during delivery hours.
- Leases have a provision requiring tenants to use only the loading zone on N Street, NE for deliveries and move-in and move-out activities.
- All deliveries and moves be coordinated with the loading zone manager. The loading zone manager must ensure when scheduling large deliveries that the loading zone does not reach capacity.
- Unscheduled deliveries be directed by the loading zone manager to return later if the loading zone is at capacity.
- Trucks using the loading zone will not be allowed to idle.
- The loading zone manager provide suggested truck routing maps to the building's tenants and to truck drivers that frequently use the loading zone.
- The loading zone manager ensure that double-parking does not occur adjacent to the loading zone and that trucks accessing the loading zone do not block vehicular or bike traffic along N Street, NE.
- The applicant submit and receive approval from DDOT for a curbside management plan.

### V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other district agencies had been filed to the record at the time this report was filed.

### VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 6C had been filed to the record at the time this report was filed.

### VII. COMMUNITY COMMENTS TO DATE

No comments had been filed to the record at the time this report was filed.

### Location Map

