GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21208
Beacon Communities, LLC and Christian Tabernacle Church of God, Inc.
2033 11th Street NW, (Square 332, Lot 807)

HEARING DATE: December 18, 2024
DECISION DATE: December 18, 2024

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a new, semi-detached, seven-story mixed-use building with below-grade parking and penthouse, for use as an apartment house (approximately 65 dwelling units) and a ground-floor child development center in the ARTS-2 zone:

- Area Variance from the access requirements of Subtitle C § 711.8, pursuant to Subtitle X § 1002
- Special Exception from the minimum vehicle parking requirements of Subtitle C § 701.5, pursuant to Subtitle C § 703.2 and Subtitle X § 901.2
- Special Exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909 and Subtitle X § 901.2
- Special Exception from the setback requirements of Subtitle C § 1504.1(d), pursuant to Subtitle C § 1506 and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle K § 804.1, pursuant to Subtitle K § 813 and Subtitle X § 901.2
- Special Exception from the court requirements of Subtitle K § 807.1, pursuant to Subtitle K § 813 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 34 (Final Amended).)[1]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 1B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

[1] The Applicant amended their application to withdraw the relief request for a special exception from the Green Area Ratio "GAR" requirements of Subtitle K § 808.1 and to add a relief request for a special exception from the vehicle parking requirements of Subtitle C § 701.5.

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EXHIBIT NO. 2C

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (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.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 7, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 38.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted two reports to the record:

- The original OP report, dated December 6, 2024, did not provide a recommendation as it was awaiting further information from the applicant regarding parking relief. (Exhibit 28.)
- The supplemental OP report, dated December 11, 2024, recommended approval of the application. (Exhibit 32.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application conditioned upon the Applicant implementing the transportation demand management (TDM) plan and loading management plan (LMP) included in the DDOT report and closing the existing curb cuts to V and 10th streets. (Exhibit 27.) The Board adopted the conditions to implement a TDM plan and an LMP plan, using the updated plans provided by the Applicant in Exhibit 33. The Board did not adopt DDOT's condition regarding the closing of curb cuts.

HISTORIC PRESERVATION REVIEW BOARD ("HPRB") REPORT. HPRB submitted a report recommending the Review Board find the concept for the new construction to be compatible with the character of the historic district.

PERSONS IN OPPOSITION. The Board received one letter in opposition to the application. (Exhibit 37.)

CONCLUSIONS

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.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception and variance relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property;
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief;
- There exists an exceptional or extraordinary situation or condition related to the property;

- The exceptional condition creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 the requested relief:

- Area Variance from the access requirements of Subtitle C § 711.8, pursuant to Subtitle X § 1002
- Special Exception from the minimum vehicle parking requirements of Subtitle C § 701.5, pursuant to Subtitle C § 703.2 and Subtitle X § 901.2
- Special Exception from the loading requirements of Subtitle C § 901.1, pursuant to Subtitle C § 909 and Subtitle X § 901.2
- Special Exception from the setback requirements of Subtitle C § 1504.1(d), pursuant to Subtitle C § 1506 and Subtitle X § 901.2
- Special Exception from the lot occupancy requirements of Subtitle K § 804.1, pursuant to Subtitle K § 813 and Subtitle X § 901.2
- Special Exception from the court requirements of Subtitle K § 807.1, pursuant to Subtitle K § 813 and Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 25A of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:

A. The Applicant shall implement the following Transportation Demand Management ("TDM") plan:

1. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement and shall provide their contact information to goDCgo.
2. Transportation Coordinator shall develop, distribute, and market various transportation alternatives and options to residents and employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
3. Transportation Coordinator shall subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan.
4. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool

and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.

5. Provide residents and employees who wish to carpool with detailed carpooling information and shall be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
6. If the daycare employs more than 20 employees, the daycare must comply with the District's parking cash-out law (2020) and Commuter Benefits law (2014).
7. Provide a copy of the Loading Management Plan (LMP) to the Transportation Coordinator so they are aware of this commitment.
8. Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised.
9. Offer a SmarTrip card with $50.00 value and one (1) complimentary Capital Bikeshare coupon good for a free ride to the first occupant of each unit.
10. Provide at least 10 short- and 24 long-term bicycle parking spaces.
11. Long-term bicycle storage rooms shall accommodate non-traditional sized bikes including cargo, tandem, and kids bikes, with a minimum 5% of spaces (minimum 2) be designed for longer cargo/tandem bikes (10 feet by 3 feet), a minimum of 10% of spaces shall be designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 50% of spaces shall be placed horizontally on the floor. There shall be no fee to the residents or employees for usage of the bicycle storage room and strollers shall be permitted to be stored in the bicycle storage room.
12. Install a minimum of one (1) electric vehicle (EV) ready space.
13. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator shall submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
14. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator shall submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final Certificate of Occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.

B. The Applicant shall implement the following Loading Management Plan ("LMP").

1. A loading manager shall be designated by the building management who shall be on duty during delivery hours and shall be on-site when residential loading activities

occur. The loading manager shall be responsible for coordinating with tenants to schedule move-ins/move-outs and shall work with the community and neighbors to resolve any conflicts should they arise.

2. Residents utilizing moving trucks greater than 20 feet in length shall be required to obtain "Emergency No Parking" signs during the duration of the move. The fees for this service shall be paid by the resident.
3. The loading manager shall be responsible for providing suggested truck routing maps to the building's tenants as well as notifying all drivers of any access or egress restrictions.
4. In the event that a truck needs to use the ramp and needs to back in, the dock manager shall monitor inbound and outbound truck maneuvers and shall ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along 10th Street NW except during those times when a truck is actively entering or exiting a loading berth.
5. Building staff shall roll trash receptacles from the building side entrance to the curb along 10th Street NW for collection. Trash bins shall be rolled to the curb at the time of collection and shall be expeditiously returned to the building trash room.
6. "No Parking" signs shall be used to demarcate the pick-up/drop-off zone. The exact restrictions and placards shall be determined by DDOT's Curbside Management Division (CMD) during public space permitting.
7. The pick-up/drop-off zone along V Street NW shall be approximately 40 feet in length. The exact dimensions shall be determined by CMD during public space permitting.
8. The loading managers shall call 311 to obtain DPW enforcement of the parking restriction in the pick-up/drop-off zone as needed.
9. The Applicant shall provide a curbside management and signage plan, as well as a copy of this LMP, in the public space construction permit application.

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carl H. Blake, and Tammy M. Stidham to APPROVE; Chrishaun S. Smith not present, 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: Keara Mehlert On behalf of

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 23, 2024

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, 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.