

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 17, 2021
SUBJECT: BZA Case 19616A – Modification of Significance – to convert a multifamily building to lodging, includes relief from providing loading, showers, and lockers

I. RECOMMENDATION

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

- C§ 901.1 - Loading Requirement (1 loading berth required; 0 proposed)
- C§ 806.4 - Showers Requirement (2 required; 0 proposed)
- C§ 806.5 - Lockers Requirement (2 required; 0 proposed)

II. BACKGROUND

On January 9, 2018 in BZA case 19616 the Board granted special exception relief from the lot occupancy, ground floor use, and penthouse setback regulations to allow a 49-unit multifamily building with habitable penthouse on the property. At the time, the NC-6 zone did not require IZ units, so the project was intended to be all market rate apartment units. The Applicant received their building permits in 2019 and the building is now almost completed.

The Applicant is now proposing to change the use of the project to another matter of right use, Lodging. The design of the building would remain the same but the lot occupancy relief is no longer necessary because the lot occupancy restriction only applies to residential use. The other two aspects of special exception relief that were granted are still applicable.

As a lodging building, however, the proposed use would now require conformance to loading and bicycle parking standards which this building would not meet. As such, special exception relief from the loading requirements and from the bicycle locker and shower requirements is now requested.

III. LOCATION AND SITE DESCRIPTION

Address	818 Potomac Avenue SE
Legal Description	Square 930; Lots 23
Zoning	NC-6, which is a neighborhood commercial zone that permits multi-family residential or lodging uses by right
Ward and ANC	Ward 6; ANC 6B
Historic District	Capitol Hill Historic District
Lot Characteristics and Existing Development	9,517 sq.ft. irregular-shaped lot
Adjacent Properties and Neighborhood Character	Rowhouses and historic residential building
Proposal	The proposal would convert an approved and largely constructed 49-unit multifamily building into a 49-bed lodging building. The lodging rooms would be available to rent for a period less than 30 consecutive days.

IV. LOCATION MAP



V. ZONING REQUIREMENTS and RELIEF REQUESTED

NC-6 Zone	Regulation	Existing	Proposed ¹	Requested Relief
Loading C§ 901	1	0	0	Special Exception Requested
Shower C§ 806	2	0	0	Special Exception Requested
Clothes Lockers C§ 806	2	0	0	Special Exception Requested

VI. OP ANALYSIS

Y § 704 Modification of Significance: Aside from the filing requirements of Y §§ 704.2 through 704.5, a “public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification” (Y §704.6), and “limited to impact of the modification on the subject of the original application and shall not permit the Board to revisit its original decision” (Y §704.7).

Special Exception Relief from Loading Requirements, pursuit to C§909.9

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;

The site has one curb cut on L Street, but the curb cut provides access to below grade parking. Utilizing this curb cut would obstruct access to parking or require removing the above-grade ADA-required handicap accessible parking space. There is no other location on the site to relocate this parking space or a loading berth. The garage is operated with an automated mechanical parking system so neither the ADA space nor the loading could be accommodated in the garage.

Therefore, a second curb cut would be needed on the site, but the property has no alley access, and the Applicant would be unable to provide an additional compliant curb cut. On L St. a second curb cut would need to be at least 12 ft. away from the existing curb cut. This would result in it either confronting the historic row dwelling, which is not allowed for loading, or be less than 60 ft. from the L St. and 9th St. intersection. Likewise, the property does not have sufficient frontage on 9th Street to provide a curb cut that is at least 60 ft. from both the 9th Street and L Street intersection and from the Potomac Ave. and 9th Street intersection. On Potomac Avenue, the site’s 78 feet of frontage is insufficient to accommodate the 60 feet needed from the Potomac Avenue and 9th Street intersection, the required 6 ft offset from the western property line, and the 18 ft. minimum width requirement for two-way circulation.

¹ Provided by Applicant

Subtitle X § 901.2:

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

The intent of the loading requirements is to adequately accommodate the loading activities. In their loading management plan the Applicant details how their loading cannot be accommodated on site, but that the loading activities would be small enough to be accommodated off-site (Exhibit 26). As such, 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 not be significantly adversely impacted by the building not having a loading berth on-site. Lodging would be the only use in the building. It would not include restaurants and event spaces, which could have larger loading requirements.

Special Exception Relief for showers and changing facilities, pursuant to C§807.4

807.4 The Board of Zoning Adjustment may grant, as a special exception, modifications or waivers to the requirements for showers and changing facilities in Subtitle C §§ 806.3, 806.4, and 806.5 if in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that:

(a) The intent of Subtitle C § 806 is met; and

(b) ... The use will not generate the demand for the full number of showers and changing facilities required

The intent of C§ 806 would be met without providing the required showers and changing facilities. This section is intended to allow non-residential occupants of a building to use the long-term bicycle spaces provided on-site. In this case, no employees would regularly be on-site so they would not be using these spaces. Cleaning and maintenance activities would be done periodically by staff visiting the site. Only the guests renting a room would be regularly in the building, and they would not require long term bike storage. Therefore, shower and changing facilities would in this case not be necessary because the guests would have the use of their individual units.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report there are no comments from other District agencies entered into the record.

VIII. ANC COMMENTS

As of the writing of this report, there is no report from ANC 6B in the record.

IX. COMMUNITY COMMENTS

There are twenty letters of support in the record, (Exhibit 30).