

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19882 of Jubilee Housing, Inc., as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the parking requirements of Subtitle C § 701.5, to construct a one-story and penthouse addition and convert the existing office building to a mixed-use building in the RC-3 Zone at premises 1724 Kalorama Road N.W. (Square 2567, Lot 90).

HEARING DATE: December 12, 2018

DECISION DATE: December 12, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 37 (revised).) 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 Commission ("ANC") 1C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on December 5, 2018, at which a quorum was present, the ANC voted 5-0-0 in support of the application. (Exhibit 39.)

The Office of Planning ("OP") submitted a timely report, recommending approval of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 36.)

¹ The original application included a request for lot occupancy relief (Exhibit 5), which was withdrawn.

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Testimony in support of the application was presented by Samuel Buggs. Testimony in opposition to the application was presented by Eric Blodnickar.

As directed by 11 DCMR Subtitle X § 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 Subtitle C § 703.2 from the parking requirements of Subtitle C § 701.5, to construct a one-story and penthouse addition and convert the existing office building to a mixed-use building in the RC-3 Zone. 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X §§ 901.2, and Subtitle C §§ 701.5 and 703.2, 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 EXHIBITS 31C1-31C9 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide information on and/or links to current transportation programs and services to employees either electronically (via a website) or in hard-copy format. Examples of information that may be provided include:
 - a. WMATA,
 - b. goDCgo.com,
 - c. Capital Bikeshare,
 - d. Car-sharing services,
 - e. Uber,
 - f. Ridescout,
 - g. Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters,
 - h. Commuter Connections Guaranteed Ride Home, which provides commuters who regularly (twice a week) carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency, and

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- i. Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool. Participants can earn money for carpooling to work and must complete surveys and log information about their experience.
2. The Applicant shall provide convenient and covered secure bike parking facilities for a minimum of one required long-term bicycle space.
3. The Applicant shall provide shower and changing facilities for the Jubilee office staff in the penthouse office space.
4. The Applicant shall offer employees a transit subsidy of \$100/month that can be used for the Metro or off-street parking and will continue to offer the benefit.
5. The Applicant shall, through its group membership with Capital Bikeshare, allow employees to enroll for an annual membership for \$10 (regular memberships cost \$85/year). Membership includes a helmet.
6. A member of the property management team shall be designated as the Transportation Management Coordinator (“TMC”). The TMC shall be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual.
7. The property management website shall include information on and/or links to current transportation programs and services, such as:
 - a. Capital Bikeshare,
 - b. Car-sharing services,
 - c. Ride-hailing services (e.g. Lyft or Uber),
 - d. Transportation Apps (e.g. Metro, Citymapper, Spotcycle, Transit),
 - e. Other transportation sources (e.g. DDOT’s DC Bicycle Map, goDCgo.com, WMATA),
 - f. Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters,
 - g. Commuter Connections Guaranteed Ride Home, which provides commuters who regularly (twice a week) carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency, and
 - h. Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool. Participants can earn money for carpooling to work and must complete surveys and log information about their experience.

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- i. A current list of neighborhood retail, services, and amenities such as grocers, pharmacies, dry cleaners, and salons/barbershops and publish the list on the property management website.
8. An electronic display shall be provided in a common space shared by residents in the building and will provide real-time public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the number of bicycles available at each location.
9. The Applicant shall provide convenient and covered secure bike parking facilities in a bicycle storage room in the residents' portion of the building. Nine long-term bicycle spaces shall be provided in lieu of the required eight spaces.
10. The Applicant shall, through its group membership with Capital Bikeshare, allow residents to enroll for an annual membership for \$10 (regular memberships cost \$85/year). Membership includes a helmet.
11. Six short-term bicycle parking spaces shall be provided in public space in front of the proposed building for visitor use.
12. Shower and changing facilities shall be provided on the ground- floor for Sitar employees.
13. Sitar shall continue to offer its employees a \$50/month transit subsidy.
14. Convenient and covered secure bike parking facilities shall be provided in a bicycle storage room in the Sitar portion of the building. Four long-term bicycle spaces shall be provided in lieu of the required one space.

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter A. Shapiro to APPROVE.)

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. BYRDIN
Director, Office of Zoning

FINAL DATE OF ORDER: December 14, 2018

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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,

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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.