

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 20014-A(1) of Addisleigh Park Washington Properties, LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone at 1803 Rhode Island Avenue, N.E. (Square 4209, Lot 5).

<b>HEARING DATES</b> (20014):	May 15, 2019 and June 12, 2019
<b>DECISION DATE</b> (20014):	June 12, 2019
<b>ORDER ISSUANCE DATE</b> (20014):	June 19, 2019
<b>MODIFICATION OF CONSEQUENCE</b>	
<b>DECISION DATE</b> (20014-A):	September 16, 2020
<b>ORDER ISSUANCE DATE</b> (20014-A):	September 23, 2020

**CORRECTED<sup>1</sup> SUMMARY ORDER ON REQUEST**  
**FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 20014, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Addisleigh Park Washington Properties, LLC (the “Applicant”) for special exceptions under Subtitle U § 513.1(n) from the prepared food shop requirements of Subtitle U § 512.1(d)(3); under Subtitle C § 1500.3 from the penthouse regulations of Subtitle C § 1500; under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5; under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, under Subtitle G § 1201 from the rear yard requirements Subtitle G § 405.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the floor area ratio requirements of Subtitle G § 402.1. The Board issued Order No. 20014 on June 19, 2019. (Exhibit 48 of the record for Case No. 20014.) The approval was subject to two conditions:

1. The Applicant shall implement the following Transportation Demand Management (“TDM”) plan:
  - a. Identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinator(s) will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and develop, distribute, and market various transportation alternatives and options to the tenants and/or employees;

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<sup>1</sup> Order No. 20014-A incorrectly stated that the original order was issued June 19, 2020 instead of 2019. That error has been corrected in this order and underlined in paragraph one. It is the only change in this corrected order.

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- b. Post all TDM commitments on website (if provided by Applicant), publicize availability, and allow the public to see what commitments have been promised;
  - c. Provide bicycle parking beyond what is required by the Zoning Regulations: four additional short-term and three long-term bicycle parking spaces; and
  - d. For the first five years that the building is open, the Applicant shall offer the choice of either an annual Capital Bikeshare or an annual carshare membership to employees.
2. The Applicant shall implement the Applicant's proposed Loading Management Plan ("LMP"):
- a. All delivery vehicles will access the Site via Rhode Island Avenue. In accordance with DDOT's "Truck and Bus Through Routes and Restrictions" map, trucks will not be permitted to use 20th Street, N.E.;
  - b. Delivery trucks unload/load from Rhode Island Avenue, N.E. between 7:00 a.m. and 4:00 p.m. and between 6:30 p.m. and 7:00 p.m. on weekdays. Deliveries will not be permitted between 4:00 p.m. and 6:30 p.m. when rush hour restrictions are in place on weekdays;
  - c. On weekends, deliveries may occur between 7:00 a.m. and 7:00 p.m.;
  - d. Commercial deliveries will typically be made by trucks that are 20 to 30 feet;
  - e. Deliveries made from vehicles larger than 30 feet will need to be scheduled in advance;
  - f. Deliveries are anticipated between the hours of 7:00 a.m. to 4:00 p.m.;
  - g. Trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (engine idling);
  - h. A trash room with dumpsters is located on the Hamlin Street side of the building;
  - i. All trash removal will occur on Hamlin Street;
  - j. It shall be the responsibility of building management to inform all building tenants of this LMP and its conditions;
  - k. The building manager will coordinate delivery schedules with tenants such that more than two deliveries do not occur at a time;
  - l. The LMP may be updated by the property manager once the project is complete, as needed.

Proposed Modification. On June 24, 2020, the Applicant submitted a request for modification of consequence to Order No. 20014. (Exhibit 5.) The Applicant requested to modify the plans to eliminate the first and second floor mezzanines and penthouse and eliminate the bar and introduce two residential uses. The proposal would not result in any additional relief being requested. The

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Applicant submitted revised plans reflecting these modifications. (Exhibit 17.) The Applicant did not propose any modifications to the Conditions of the Original Order.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 12.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 5C.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on August 12, 2020, at which a quorum was present, the ANC voted 6-0-0 to support the request. (Exhibit 23.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 21.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of consequence. (Exhibit 20.)

**Request for Modification of Consequence**

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to the plans of BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone.

The Board determines that the Applicant’s request complies with Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment.

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Pursuant to 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.

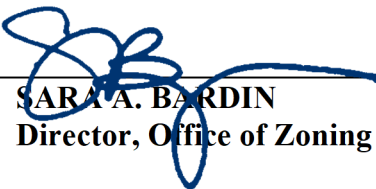
It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 20014 is hereby **GRANTED**. The conditions of BZA Order No. 20014, including the approved Transportation Demand Management and Loading Management Plans, remain unchanged and in effect.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

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

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

**ATTESTED BY:**

  
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**SARA A. BARDIN**  
Director, Office of Zoning

**FINAL DATE OF ORDER:** September 25, 2020

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.