

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of
Atlantic Residential C, L.L.C.

BZA Application No:
ANC: 1B11

STATEMENT OF THE APPLICANT

**I.
Nature of the Application**

This is an application by Atlantic Residential C, L.L.C. and Florida Avenue Residential, L.L.C. (the “**Applicant**”) for approval of a rooftop bar and lounge on a mixed-use building that will contain multi-family residential and lodging uses (the “**Building**”). The Building is located at Square 2873, Lot 799 (the “**Property**”), also known as 945 Florida Avenue NW. Approval of the rooftop bar and lounge use is sought pursuant to 11-C DCMR § 1500.3(c), which permits such use as a special exception. The Building, which is currently under construction, conforms to the Zoning Regulations in all other respects.

**II.
Jurisdiction of the Board**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.1 of the Zoning Regulations (11-X DCMR §901.1).

**III.
Information Regarding the Property and Project**

The Property is located in the U Street neighborhood of Ward 1 and is comprised of approximately 37,402 square feet of land area. The Property is located in the MU-10 Zone District. The Property is bounded by Florida Avenue NW on the west and 9th Street NW on the east. The property immediately to the north is to be developed as a mixed use building with a ground floor grocer and upper floor residential uses. To the south is a condominium building.

The Property was previously vacant and was known as “Atlantic Plumbing Parcel C.” The Applicant is redeveloping the Property with a single 10-story building that will consist of two towers separated by an extension of W Street and connected on the upper levels. The northern tower will be an apartment building with 161 units, of which 21 units will be affordable, and the southern tower will be used as a hotel with 95 beds. At the ground level, the building will contain approximately 20,000 square feet of retail, service, and eating and drinking establishment uses, including a restaurant in the hotel wing. The project also contains approximately 144 below-grade parking spaces.

The two towers share a single roof level, which contains the Project’s indoor and outdoor amenity spaces as well as some residential units and the proposed rooftop bar and lounge. The residential units and an indoor amenity space reserved for building residents are located above the northern wing of the Building. The outdoor pool and roof deck as well as the proposed bar and lounge are located on the southern wing of the Building. Access to the outdoor spaces will be made available to both building residents and hotel guests through a shared elevator lobby that also contains restrooms and storage area to support the use of the pool and roof deck.

The proposed rooftop bar and lounge will consist of approximately 3,500 square feet of penthouse floor area, and it is located in the center of the southern wing of the rooftop, as shown on the plan attached as Exhibit J. The bar and lounge establishment is expected to be operated by an affiliate of the high-end hospitality operator of the hotel and restaurant located on the ground floor. During the daytime, the rooftop area will be reserved for use by hotel guests and building residents. In the evening and on weekends, the bar and lounge will become open to the public. The bar and lounge is located adjacent to the pool and roof deck, so that during the day

hotel guests and building residents will be able to enjoy their drinks outside. During certain hours, roof deck and pool access will be extended to the other patrons of the bar and lounge.

IV.
Description of Approval Requested

The Zoning Regulations permit a bar or lounge in the MU-10 Zone. Such uses are also a customary and incidental accessory use for a hotel, which is also a permitted use in the MU-10 Zone District. The Zoning Regulations generally permit any use allowed in the underlying zone to be located within a penthouse. Certain uses, such as a rooftop bar, lounge, or restaurant, are allowed as well, but require approval by the Board of Zoning Adjustment pursuant to 11-C DCMR §1500.3(c). Accordingly, the Applicant seeks such special exception approval for the rooftop bar and lounge.

V.
Satisfaction of Standards for Approval

Pursuant to Subtitle C, Section 1500.3(c) and Subtitle X, Section 902.1, a rooftop bar and lounge may be approved provided that the Applicant demonstrates that the use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of the neighboring property. There are no additional standards for approval required for this particular use. The Applicant satisfies this criteria, as explained below.

The proposed rooftop bar and lounge use is in harmony with the Zoning Regulations. As noted above, a bar or lounge is permitted in the MU-10 Zone District and accordingly the use is presumed to be compatible with the mix of uses permitted in the MU-10 Zone District. Similarly, such use is a customary component of a hotel, which is also permitted in the MU-10 Zone District. Here, the proposed rooftop bar and lounge will serve primarily as a social and

gathering space for building guests and residents, both as a destination in itself and as an amenity for the outdoor rooftop deck and pool. Accordingly, the establishment knits into the other uses in the Building, which are all permitted uses in the underlying MU-10 zone. When the bar and lounge is open to the public, it will also provide an attractive and well-located neighborhood amenity that takes advantage of its premium views and central location near the nexus of two major commercial corridors. The immediately surrounding properties are in the MU-10 and ARTS zones, which encourage a mix of uses intended to create active 18-hour neighborhoods where you can live and play. A rooftop bar and lounge is consistent with this intended character.

The rooftop bar and lounge will also not adversely affect the neighboring properties. The immediately adjacent properties are also in the MU-10 zone and are improved with similar types of medium- to high-density mixed-use development. Properties to the west, across Florida Avenue, are located in the ARTS-2 Zone District, which also permits medium-density mixed-use development, and the RA-2 Zone District, which permits moderate-density multifamily residential. Broadly, the rooftop bar and lounge is located on the southern end the Building, which is the furthest point away from the RA-2 properties across the street to the northwest. The combination of this horizontal separation and the vertical height of the Building's rooftop compared to the lower height of the RA-2 properties will provide an appropriate buffer from the rooftop bar and lounge's impacts. Moreover, it will be in the Applicant's own best interests to ensure no adverse impacts, as its 161 residential units (including multiple penthouse units immediately across W Street from the bar and lounge) and 95 hotel rooms (including some immediately below the establishment) are closer to the proposed use than any other use. Therefore, the Applicant will adopt reasonable rules and regulations to avoid unreasonable adverse impacts. Finally, because the rooftop use will require a liquor license, the ABRA

licensing process will provide a forum for the Applicant and the operator to work with the ANC and surrounding community to address specific operational issues such as hours of operation and amplified noise.


VI.
Community Outreach

The Applicant has reached out to the Single Member District representative from the ANC and discussed the penthouse relief. The Applicant has also reached out to the ANC Committee that will review the Project and looks forward to working with the Committee and the ANC in its review. The Applicant has also reached out to the Office of Planning regarding the Project and will continue to work with District agencies during their review of the Project.

VII.
Conclusion

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully,


David M. Avitabile
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Meghan Hottel-Cox
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