



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: March 1, 2016

SUBJECT: BZA Case No.18772A, 627 H Street, N.W.

I. BACKGROUND OR PROJECT AND PREVIOUSLY GRANTED RELIEF

In Order 18772 the Board approved parking and loading variances and special exceptions from rear yard and roof structure setback requirements for a proposed 110-foot tall 245-room “pod” hotel at 627 H Street, N.W. , which also included restaurant, lobby and amenity spaces on the first floor and basement.

This application seeks to amend that Order, to gain special exception permission under § 411.4(c) to use a portion of the penthouse for restaurant use. The Zoning Regulations did not permit such a use when Order 18772 was issued, but now permit it as a special exception under the penthouse regulations approved by Zoning Commission Order 14-13.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning recommends the Board **approve a special exception to permit 1,626 square feet of restaurant use within the penthouse** for the previously approved development on DD/C-3-C zoned Square 453, Lot 59:



Figure 1. Location -- vacant lots at 627 H Street, NW. Hatched Areas are Historic Districts



III. AREA AND SITE DESCRIPTION

Applicant	MR Gallery Square LLC	Legal Description:	Sq. 453, Lot 59
Address:	627 H Street, NW	Ward: 2	ANC: 2 C
Zoning:	DD/C-2-C	Historic Preservation:	None. Adjacent to Chinatown district.
Lot	Flat, rectangular 8,039 interior lot, 60.5 feet wide and 132.9 feet deep, with a 1 ft., 11 inch incursion by the west-adjacent building. The Square is bounded by H, 7 th , I and 6 th Streets.		
Adjacent	There are approximately forty-foot high buildings to the east and west and a thirty-foot wide alley to the north. The building to the west is within a historic district.		
Area Character:	The Downtown Development District's Chinatown sub-area retains many small scale 19 th and early 20 th century townhouses with both residential and commercial uses. These are interspersed with more recently-constructed 90 – 110 foot residential and office buildings. The Gallery Place mixed use development is across H Street, to the south of the site.		

Table 1. Site Summary

IV. PROJECT DESCRIPTION and REQUESTED RELIEF

The applicant is seeking is seeking special exception permission under § 411.4(c) to locate approximately 1,626 square feet of restaurant use in the portion of the penthouse that, in both Case No. 18772 and in the project's building permit, was designated as ancillary enclosed space for a rooftop recreation area. With the exception of the northwestern area of the penthouse, the building's design and dimensions would remain the same as in the previously approved case. The proposed revisions to the penthouse dimensions are consistent with the penthouse regulations adopted in Zoning Commission Order 14-13 and are within the parameters of the setback relief the Board granted in Order 18772. Figures 1 through 4, below, illustrate and describe the approved penthouse plans and the proposed changes.

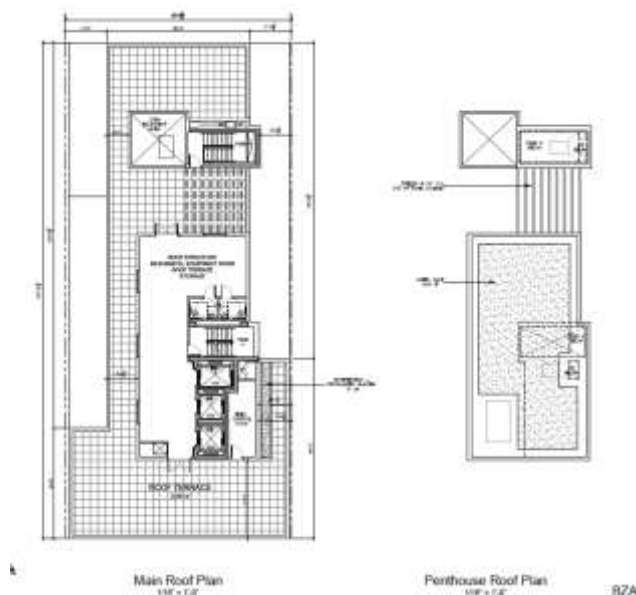


Figure 2. Approved West Elevation

Figure 1. Roof and Penthouse Plan Approved in BZA 18772

The approved penthouse would have had two 18'6" high sections joined by a trellis into one roof structure that complied with all setback requirements. The southern section would have included common space related to rooftop recreation, but no habitable space. The northern section would have contained secondary egress stairs from the roof terrace and mechanical equipment open to the sky.

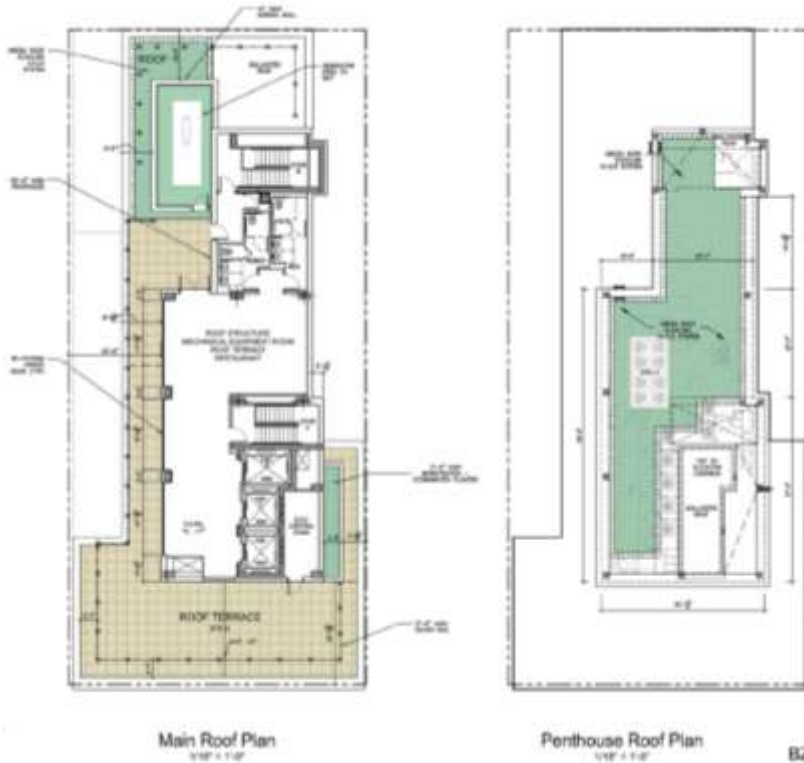


Figure 1. Proposed Roof and Penthouse Plan



Figure 2. Proposed West Elevation

The proposed penthouse would be 18'6" tall, except for the mechanical area at the northwest corner of the building, where it would be 10' high. Two heights are permitted by the now-applicable penthouse regulations. It would meet setback requirements on the north and south. The east setback would be identical to what was approved in Order 18772. The west penthouse wall is now proposed to be setback at a greater, but still nonconforming, 1 to 1.66 ratio, rather than the 1 to 3 ratio permitted by the approved variance.

V. ZONING REQUIREMENTS

The following table recapitulates the zoning analysis in Case 18772 and indicates differences between that case and this case as follows:

- Relief granted in Order 18772 is *in italics*;
- New dimensions (none of which require additional relief) are underlined.
- Newly requested relief is in ***bold italics***

DD/C-3-C Chinatown HPA B	Reg. §	Required / Permitted	Previously Approved	Proposed	Relief
Lot Area (8039 SF)	---	none	n/a	Same	none
Lot Width (60'5")	---	None	n/a	Same	none
Lot Occ.	772.1	100%	100%	Same	none
Total FAR	1706.7	10.0 (9.5, §1706.5; 0.5 §1706.7 (a) (2))	10.0 FAR, 80,389 sf	Same	none
Res. FAR	1706.5	3.5 minimum, Housing Priority Area B	3.5 FAR via CLD	Same	none
Retail FAR	1705.3	0.5 minimum. Chinatown	0.57 (4,600sf)	Same	none
Other GFA	1702.1	50% ground floor for required DD uses	0.57 FAR restaurant	Same	none
Roof Structure Dimensions	770.6 411	One enclosure, Walls of no more than two different heights $\leq 20''$ <i>1:1 setback from exterior walls</i>	One 18'-6" enclosure. 1:1 setback, N. & S. <i>0 setback from East court</i> <i>5'11' setback from west court</i>	One enclosure <u>18'6 high other than 10' high portion, northwest</u> Same Same <u>6' setback, west court for 10' structure</u>	None None <i>18'6" SPEC. EXCEP.GRANTED</i> <i>12'7" SPEC. EXCEP.GRANTED, of which 4' now needed .</i>
Roof Structure Uses	411.4 (c)	<i>411.4 (c): nightclub, bar, cocktail lounge, or restaurant uses in penthouse permitted only as a special exception</i>	n/a	<i>1,626 SF</i>	<i>Special Exception for restaurant use</i>

Table 2. Zoning Requirements and Relief Summary

VI. OFFICE OF PLANNING ANALYSIS

1. Special Exception for Penthouse Use [§ 411.4 (c)]

Section 3104.1 permits the Board to grant special exceptions subject to the following judgments:

The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

The proposed use is in accordance with the penthouse regulations adopted in ZC 14-13. As required by §414, the 1,626 square feet will generate an affordable housing requirement. The applicant has stated it will satisfy this through a contribution currently estimated as being \$185,000 to the Housing Production Trust Fund under the formula and procedures stipulated by §§ 414.12 - 414.16.

The use that would be enabled by the requested special exception is also consistent with the mixed use objectives of the Chinatown sub-area of the Downtown Development District.

The special exception will not tend to affect adversely the use of neighboring property...

The restaurant use would be limited to approximately 1600 square feet. It would be located in the central business district, across H Street from the Chinatown Arch, the Gallery Place mixed use development and the multi-media signs at the intersection of H and 7th Streets. The proposed use is not likely to have an adverse impact on the use of neighboring property in this densely developed area of high-intensity uses.

VII. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) registered no objection to the project in the previously approved case. This application makes no parking, loading or transportation-related changes.

The site is not within a historic district, but the applicant had voluntarily consulted with historic preservation review staff, and made design changes because the location is adjacent to the Chinatown historic district.

The Chinatown Review Committee approved the design.

VIII. COMMUNITY COMMENTS

The record reflects support for the request from

- ANC 2 C, which voted 3-0-0 to support the requested special exception at a duly called meeting on February 8, 2016 (Exhibit 28);
- The owners and/or contract purchasers of two properties for which residential development is planned in Square 453 (Exhibit 27).