

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: January 25, 2019

SUBJECT: BZA #18906B – 1337 Connecticut Avenue, NW – Request for a Modification of Consequence to Convert Rooftop Mechanical Space to a 7th Floor

I. BACKGROUND

The Board approved the original special exception application to permit an Inn on this site on June 30, 2015. That application also included relief for parking, loading, court width, roof structure setback and shifting a zone boundary line. On July 19, 2016, the Board approved 19806A, a minor modification that removed office space from the 2nd floor and restaurant space from the 6th floor, converting those floors to additional inn guest rooms, and removed one parking space. The applicant now seeks to convert the approved mechanical penthouse to a 7th floor with a pantry, bar and restrooms in order to allow the first floor restaurant to use the rooftop above the 6th floor.

II. RECOMMENDATION

The proposed changes appear relatively minor and seem to fall under the definition of a Modification of Consequence in Subtitle Y § 703.4. The Office of Planning (OP), therefore, recommends that the Board evaluate this application as a Modification of Consequence. Furthermore, because no new relief is required and the cumulative height of the building would only increase by about two feet, and mechanical equipment would continue to be screened, OP recommends that the Board **approve** the modification.

III. LOCATION AND SITE DESCRIPTION

Address	1337 Connecticut Avenue, NW
Legal Description	Square 137, Lot 827
Zoning	MU-21 (along Connecticut Ave.) and MU-15 (along 18 th Street)
Ward and ANC	2, 2B
Historic District	Dupont Circle Historic District – non-contributing structure.

Lot Characteristics and Existing Development	Existing five story building, approved to be converted to an inn with a new sixth floor; Building spans from Connecticut Avenue to 18 th Street; Parking entrance on 18 th Street.
Adjacent Properties and Neighborhood Character	Similarly scaled four-story buildings on each side. West side of Connecticut Avenue has 8 to 11 story office buildings with ground floor retail. A residential apartment building is located across 18th Street. The property is located 300 feet from the Dupont Circle metro southern entrance.

IV. DESCRIPTION OF MODIFICATION

The applicant proposes to convert the approved rooftop mechanical space to a seventh floor which would house space accessory to the ground floor restaurant – specifically a pantry, bar and restrooms. The location of the restrooms is not indicated on the plan, but the applicant has stated to OP that they would be within the indicated building envelope. The modification would also include a new egress stair, closer to the Connecticut Avenue side of the building, which would be necessary for the occupiable roof. The stair enclosure would be considered part of the 7th floor and does not appear to require any relief.

The floor area would increase slightly, from 900 square feet to 1,344 square feet, including the new stair enclosure. That floor area would also now count toward FAR, and the 7th floor toward building height, but the building would continue to meet FAR and height requirements. Please see the table below. Mechanical equipment that was to be located in the penthouse would now be located on top of the 7th floor and enclosed with a 5’ screen wall, designed to appear as an extension of the 7th floor. The total height of the building, include all penthouses and screening walls, would increase by about two feet.

	Permitted*	Approved*	Proposed*
Building Height	90’	70’9”	86’1” (Ex. 2, pg. 6)**
Penthouse Height Above Roof	18’6”	13’6” above 6 th floor roof	5’ above 7 th floor roof
Building Height plus Mech. Penthouse Height	108’6”	84’3”	86’1”
Floor Area	43,106 sf	41,753 sf	43,097 sf

* All information provided by the applicant.

** Per Subtitle B § 307.6, the parapet wall of the revised proposal counts toward building height because it is greater than 4’ in height.

The restaurant use at the 7th floor level would be a matter of right. The bar would be accessed behind a roll-up door which would open up toward Connecticut Avenue, and it appears from the plans that all restaurant activities would occur on the Connecticut Avenue side of the roof. The applicant has stated to OP that they intend to establish hours of operation, noise levels and other operational parameters in consultation with the ANC as part of the Alcoholic Beverage Regulation Administration (ABRA) process.

V. ANALYSIS

Subtitle Y § 703 allows the Board to approve a Modifications of Consequence without a public hearing. Section 703.4 defines a Modification of Consequence as follows:

For the purposes of this section, the term “modification of consequence” shall mean 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.

Because the current application proposes a redesign of the penthouse level, but only a modest change in the scale of that floor, OP concurs with the applicant’s position that these changes can be evaluated as a Modification of Consequence.

The slightly enlarged 7th floor should not result in any greater impact on adjacent properties, and the proposal does not result in any new areas of zoning relief. The restaurant use itself is a matter of right. OP continues to find that the proposed use would meet the relevant criteria of the original approval – that the height and bulk of the building would be in harmony with the existing uses and structures on adjacent properties, and that the use is appropriate given the overall mix of uses in the vicinity.

VI. HISTORIC PRESERVATION

The applicant will need to obtain approval from the Historic Preservation Review Board or from the Historic Preservation Office.

VII. AGENCY COMMENTS

As of this writing the record contains no comments from other District agencies.

VIII. COMMUNITY COMMENTS TO DATE

Exhibit 7 is an ANC report in support of the modification, and notes that they will work with the applicant on the operations of the rooftop, once an operator is identified and during the ABRA process.