



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist

JL **Joel Lawson, Associate Director Development Review**

DATE: April 23, 2025

SUBJECT: BZA 18906C – 1337 Connecticut Avenue, NW – Request for a Modification with Hearing to add additional penthouse space to a 7th Floor restaurant

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested Modification with Hearing, with the following expanded Special Exception relief:

- Penthouse Setback Requirements, Subtitle C § 1504.1(c)(4), pursuant to Subtitle C § 1506 and Subtitle X § 901.2 (1:1 penthouse setback a distance equal to its height from the side building wall of the roof on which it sits; 0 ft. proposed).

II. BACKGROUND / PREVIOUS APPROVALS

BZA Case 18906 – The Board approved the original special exception application to permit a partial conversion to 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.

BZA Case 18906A – On July 19, 2016, the Board approved 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.

BZA Case 18906B – On February 6, 2019, the Board approved the conversion of the approved mechanical penthouse to a 7th floor with a pantry, bar, and restrooms to facilitate the expansion of first floor restaurant to the rooftop above the 6th floor.

III. LOCATION AND SITE DESCRIPTION

Applicant	Goulston & Storrs, PC on behalf of 1320 Penelope Manager, LLC
Address	1337 Connecticut Avenue, NW
Legal Description	Square 137, Lots 700 & 827
Zones	MU-9BDC (along Connecticut Ave.) and MU-1/DC (along 18 th Street)

Ward and ANC	Ward 2; ANC 2B
Historic District	Dupont Circle Historic District – non-contributing structure.
Lot Characteristics and Existing Development	Through-lot bound by Connecticut Avenue NW on the west and 18 th Street NW on the east. The zone boundary line traverses the lot in a north-south direction, dividing the lot into a western MU-9B portion and an MU-1/DC portion on the east. The subject property has an area of approximately 7,799 square feet.
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. The neighborhood has a mix of office, retail and residential uses.

IV. EVALUATION OF THE MODIFICATION WITH HEARING REQUEST

Aside from the filing requirements of Y §§ 704.2 through 704.5, the public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification (Y §704.6), and limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision (Y §704.7).

Subtitle C Section 1506 RELIEF FROM PENTHOUSE OR ROOFTOP STRUCTURE REQUIREMENTS

1506.1 Relief from the requirements of Subtitle C §§ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:

(a) The special exception requirements of Subtitle X, Chapter 9;

Analysis of Subtitle X Section 901 is provided below.

(b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

Per the applicant, no penthouse mechanical equipment is proposed in this application.

(c) The applicant's demonstration of at least one (1) of the following:

(1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

(2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;

(3) The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; or

(4) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to

achieve reasonable efficiencies in lower floors; size of Subtitle C § 115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable.

Per the applicant, the proposal is a better design as it will allow year-round use of the rooftop space for the existing restaurant. Additionally, as shown in the renderings, the proposed pergola and its temporary walls and roof will not read as an extension of the building walls.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed structure to better facilitate year round use of the already approved rooftop restaurant use on the site would be generally consistent with the intent of the Zoning Regulations.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The proposed addition should not intensify any impact to the use of neighboring properties beyond that which currently exist on the site.

- (c) Subject in specific cases to the special conditions specified in this title.*

The form of relief is within the allowed criteria of C § 1506, provided above.

V. OTHER DISTRICT AGENCY COMMENTS

DDOT has informed OP that they have no objection to the proposal.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 2B has submitted a report in support at Exhibit # 20.

VII. COMMUNITY COMMENTS TO DATE

As of the date of this report, no community comments have been filed to the record.