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District Of Columbia Office Of Zoning  
DC Board of Zoning Adjustment  
441 4th St., NW; Ste. 200-S  
Washington, DC 20001

re: Statement in Support of BZA Case # \_\_\_\_\_, Request  
for a Special Exception under §1500.3(c) at 639 and 641 Florida Av.,  
NW

**Dear Members of the Board;**

**This letter is in support** of the above referenced application. A description of the existing and intended use of the structure is included. A detailed statement explaining how this application meets the specific tests identified in the Zoning Regulations for a Special Exception is likewise included. The form of zoning relief, as well as a statement in support of the application, are set forth below.

**AREA & SITE DESCRIPTION**

Address: 639 and 641 Florida Av., NW  
Legal Description: Square 3078, lots 0019 and 0807  
Ward / ANC: 1B01  
Lot Characteristics: These two lots are narrow (15'±) and contain old 2 story row structures. These have been added to and now are 3 story. The 3rd floors are partially built out with open terraces facing Florida Av. The buildings back up to an combined alley / parking lot that is itself open to a large parking lot of Howard University Hospital that used to be the home field of the Washington Senators baseball team. The

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**Board of Zoning Adjustment**  
**District of Columbia**  
**CASE NO.19483**  
**EXHIBIT NO.8**

buildings on either side are similar in height and tenancy.

Zoning:

PDR-3.

Existing Development:

639 Florida is fully occupied by a restaurant called Uproar. The 3rd floor has a bar area and is served by two egress stairways. There is mechanical equipment on the roof above. The enclosed space is open to a terrace seating area. 641 has been unoccupied, though recently I believe, a spa has taken the ground floor. The 2nd and 3rd floors are unoccupied. The 3rd floor is built out as at 639, but there is only one stairway, not enclosed. As at 639, the third floor space is open to a terrace; the roof above is ready to receive its future mechanical equipment.

Historic District:

The property is not in any Historic District.

Adjacent Properties:

As mentioned above, the lots are abutted by properties owned by the same party. The lot at 645 is similarly occupied by a restaurant. I believe 637 is vacant and awaiting a tenant. Florida Avenue, the street in front, is a very active traffic artery and also has numerous active and noisy businesses across the way.

Surrounding Neighborhood Character:

To the left and right on Florida Avenue are various businesses. This particular block is occupied by restaurants and other retail tenants. Across the way are several vendors including a cell phone store and pizza joints. Beyond is the Howard Theatre. Further to the west on the far side of 7th St. in the ARTS-2 zoning district is a new large apartment house. To the east and across an intersection is an RF-1 zone; the contact between the zones is mostly at the hospital parking lot and at an intersection. As mentioned

above, to the north in the PDR-3 is a large open parking area that used to be the Senator's baseball field. Beyond that is Howard University Hospital and 7th Street's stores and restaurants that serve the university students..

#### **PROJECT DESCRIPTION IN BRIEF**

Applicant:

Uproar restaurant.

Proposal:

Uproar currently operates a small open terrace seating area (less than 600 sq ft) from its 3rd floor space. The building to the west, 641, is owned by the same party and the 2nd and 3rd floors are unoccupied. Uproar would like to be able to use the 3rd floor of 641 as a natural expansion of their existing bar and terrace activities at 639. This requires breaching the party wall at the 3rd floor between the enclosed portions of the two buildings and the parapet between the two terrace areas. A covenant, an easement and a code modification have already been secured to permit this crossing of a property line.

#### **ZONING REQUIREMENTS**

The zoning requirements are itemized in the Self Certification form #135. The relevant language of the §1500.3(c) is presented below:

1500.3      A penthouse may house mechanical equipment or any use permitted within the zone, except as follows:

(c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9;

#### **BACKGROUND AND RELIEF SOUGHT:**

The applicant is requesting a Special exception pursuant to §1500.3(c) and Subtitle X, Chapter 9 to expand the existing enclosed 3rd floor bar area at

639 into the existing enclosed space at 641 and the existing outdoor seating area of 639 into the existing outdoor terrace area at 641.

### **Application**

The project will first require capping the existing stairway of 641 which currently provides access to the 3rd floor. By breaching the existing party wall between the two enclosed portions of the two buildings, the bar of 639 could then be reconfigured and extended over that stair opening in 641, also allowing space for two new rest rooms. Finally, breaching the parapet that separates the two open terrace areas will allow their merger.

### **ANALYSIS**

#### **Special Exception: §1500.3(c), Subtitle X, Chapter 9; A Nightclub, Bar, Cocktail Lounge, Or Restaurant Use In A Penthouse**

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

#### **200.3 Subtitle J**

The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.

#### **801 MATTER-OF-RIGHT USES (PDR) Subtitle U**

801.1(h) Eating and drinking establishments are permitted as a matter of right, ....

This zone is a PDR-3 zone, which is a light industry zone. The portion of the zone that the subject property occupies is a small pocket of the PDR, constrained by an Arts district to the west, an MU-4 district to the east, and on the north by the large parking area and buildings of the Howard University Hospital. To the south is the somewhat raucous and heavily trafficked Florida Avenue. In addition to the hospital, the portion of the PDR-3 going north on 7th Street is occupied by a variety of restaurants, and stores that support the university community.

There is no longer any industrial activity that I am aware of.

Eating and drinking establishments are permitted as a matter of right, and there are numerous such occupancies neighboring and across the street. The proposed use is entirely typical of the sorts of activities that surround it.

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

The properties abutting on both sides of this property are owned by the same party, and are occupied by a variety of tenants: restaurants, spas, even a vender of exotic oils. There is a residential tenant in 647, but that is several buildings away.

Across Florida Av. retailers play music onto the sidewalk; there are several small shops like a pizzeria, etc. Florida Avenue is an important and heavily trafficked auto artery.

The RF-1 zone is separated from this project by an alley, a parking area and the intersection of Bohrer and U Streets. There is no activity that will occur on this terrace that will be even noticed by any abutter or neighbor.

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

This area is just at the interface between the university activities to the north, the MU-4 zone to the east and the Arts district to the west and south. The expansion of the existing restaurant and bar use will be in complete harmony with the existing uses that surround it and apparently with the general purpose and intent of the Zoning Regulations and Zoning Maps as these are exactly the uses that already occupy the area all around.

Although pending any special conditions that might be imposed, the proposed Special Exception perfectly meets the requirements of Chapter 9 of Subtitle X.

**COMMUNITY COMMENTS/ANC**

No ANC hearing has yet been held.

**CONCLUSION**

The existing use at 639 Florida is a three story restaurant/bar. The two lower floors contain a bar on each floor and seating for dining. The kitchen is on the ground floor. The third floor is accessed by both of the two interior stairways. It contains a full bar that opens onto an open terrace for outdoor seating. The third floor of the building at 641 is similarly developed but un-tenanted. By breaching the party wall at the bar and the parapet that separates the open terrace areas, the third floor spaces can be merged. The building to the west at 645 contains an eating establishment on the 2nd and 3rd floors. The 637 to the east is owned by the same party that owns 639, 641, 645 and 647. The two bookend buildings are owned by different parties and are both commercial properties. There is an outdoor cafe at the one at the corner of Florida and 7th.

The restaurant use is a by-right use in the PDR-3 zone. The existing restaurant at 639 fits comfortably into the block, and is actually a comparatively restrained occupant. The current 3rd floor use is very discreet. We think the relief requested to expand the 3rd floor bar and terrace will be entirely un-noticed by the community and in no way a detriment. We therefore ask your support and thank you for your consideration of this application;

Stephen duPont, Jr. RA

cc: file  
Uproar

