

# Holland & Knight

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## BY ELECTRONIC (IZIS) AND HAND DELIVERY

October 16, 2018

District of Columbia Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Second Floor  
Washington, DC 20001

Re: Board of Zoning Adjustment Application No. 19583-A  
Jemal's East 451 L.L.C. ("Applicant")  
Request for Minor Modification  
Square 451, Lots 23, 24, 25, 822, 823 (the "Property")  
Corrected Drawings

Dear Members of the Board:

At its October 24 public meeting, the Board is scheduled to consider the above-referenced minor modification application, wherein the Applicant is requesting the Board's approval to make minor changes to the drawings approved by the Board as part of Application No. 19583, which application involved approval of the use of the penthouse of a hotel for bar/restaurant/lounge/nightclub use. This supplemental submission is provided to: (1) clarify the minor design changes proposed for the approved project; (2) identify and correct minor calculation errors in the approved drawings; and (3) address certain issues raised in discussion with the Office of Planning regarding the minor modification request.

Please note that a full, corrected set of comparative drawings of the approved and proposed design of the project is included at Exhibit A. Should the Board approve the minor modification request, the Applicant requests that reference in its approval be made to this set of updated drawings.

### ***(1) Clarification of Changes to Approved Drawings:***

As noted in the Applicant's September 19 letter to the Board, the proposed refinements include the following:

- A. Portion of south façade moved forward toward K Street, NW  
- *Sheets A001, A002, A004, A010, A011, A012;*

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- B. Redesign and relocation of corner entry/vestibule and along K Street frontage  
- *Sheets A003, A004, A007 through A011, A014, A015, A018 through A022;*
- C. Redesign of building penthouse. One-story, 18-foot tall penthouse replaced by one-story-plus mezzanine, 20-foot tall penthouse. One-to-one setbacks provided  
- *Sheets A003, A004, A012 through A015, A017 through A022;*
- D. Additional cellar level provided to accommodate additional retail  
- *Sheets A005, A006, A014; and*
- E. Redesign of bay window projections along 6<sup>th</sup> Street, NW, frontage to comply with overall projections limitations established in Construction Codes  
- *Sheets A004, A010, A011, A012, A013, A018 through A022.*

To this previously-provided list of design changes should be added the following:

- F. Removal of guest rooms from portion of second floor to accommodate double-height loading area on ground floor (resulting in reduction in gross floor area)  
- *Sheets A008 and A014*

**(2) Correction to Calculations of Approved Design:**

Also, further review of the drawings has identified a calculation error on the approved plans with respect to total gross floor area of the building. The approved plans indicate a total of 105,115 square feet of gross floor area provided in the building (Sheet A001), however, that number failed to account for the loading area. Nor did it include projections that occurred within the property line above the court opening to K Street, NW. With these items accounted for, the actual gross floor area of the approved design increases to 106,735 square feet of gross floor area. These calculations have been corrected in the attached booklet of drawings. Please see sheet A001 “Approved”, which shows both the calculations that were provided originally (totaling 105,115 sf of GFA) and the calculations as they should have been provided (totaling 106,735 sf). This correction is also provided on the data table on Sheet A004.

As a result of this correction, the changes proposed to the design actually result in a very minor reduction, rather than increase, in gross floor area, as shown on the “Proposed” drawings for Sheet A001 and A004. The proposed new total is 106,691 square feet of gross floor area, a reduction of 44 square feet from the actual approved design.

At the penthouse level, corrections were likewise needed to the area calculations, resulting in the following “approved” totals:

- Penthouse Total Floor Area = 2,978 square feet
- Penthouse Habitable Floor Area = 2,231 square feet
- Green Roof = 2,858 square feet

The proposed redesign of the penthouse level results in the following slight increases:

- Penthouse Total Floor Area = 3,732 square feet (an increase of 760 square feet)
- Penthouse Habitable Floor Area = 2,707 square feet (an increase of 476 square feet)
- Green Roof = 3,443 square feet  
(an increase of 585 sf, in part a result of being able to add  
green roof above the penthouse habitable- Sheet A013 Proposed)

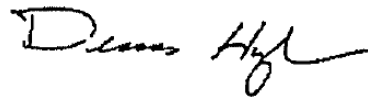
**(3) Additional Information Requested by the Office of Planning:**

The Office of Planning has suggested that it would be helpful for the Applicant to submit to the record a table comparing the zoning compliance of the approved and the revised project. That table is provided on Sheet A001 of both the approved and revised designs, showing full compliance in both instances. The Office of Planning also has requested that the Applicant provide information regarding the estimated affordable housing contribution generated by the project as approved and as revised. That information is provided at Exhibit B. The Applicant has not yet determined whether it will be producing or financially assisting affordable housing, or if it will be making a contribution a housing production trust fund, as provided in Subtitle C Section 1505.

Thank you for your consideration of these additional materials in support of the Applicant's request for minor modification approval.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Dennis R. Hughes

Attachments

cc: Advisory Neighborhood Commission 6E  
Steve Cochran, DC Office of Planning