

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 17, 2018

SUBJECT: Office of Planning (OP) Report on BZA Case 19583A (601 K Street, N.W.) Request for a Modification of Consequence to building plans associated with BZA Order 19583

I. RECOMMENDATION

OP recommends the Board approve a minor modification under Subtitle Y § 703 for the requested changes to the size, height and layout of the penthouse for which a special exception under Subtitle C § 1500.3 was approved in Order 19583, as the proposed changes are illustrated in Case 19583A Exhibits dated October 16, 2018.

OP has no objection to other design and numerical refinements contained in the above-referenced exhibits to the building drawings and development numbers that had accompanied Order 19583.

II. BACKGROUND AND CURRENT REQUEST

In BZA Order 19583 the Board approved a Special Exception to permit a rooftop penthouse with a lounge/bar/restaurant use for a 13-story hotel at 601 K Street, NW, in the D-4-R zone (Figure 1, Location Map). No other relief was requested or permitted for the building.

The primary reason for the current application is to request approval of a minor modification under Subtitle Y § 703 authorizing changes to the size, height and layout of the penthouse for which the special exception use was previously permitted. This request is analyzed in Section III, below.

However, since the issuance of the Order the applicant has also refined the design of other parts of the building. These refinements have resulted in changes to portions of the K Street façade, the entry vestibule, the cellar and, to comply with public space regulations, bay window projections on 6th Street. Other than the penthouse, none of these refinements affect previously granted relief, not do they require new. Nevertheless, for the sake of clarity when filing for a building permit, the applicant has asked the Board also to approve the non-penthouse changes to the drawings that previously accompanied the Order.

III. ANALYSIS OF REQUESTED MINOR MODIFICATION TO PENTHOUSE

703 CONSENT CALENDAR – TECHNICAL CORRECTIONS, MINOR MODIFICATION, AND MODIFICATION OF CONSEQUENCE, TO ORDERS AND PLANS

703.1 This section applies to all applications and appeals filed with the Board under this subtitle.

703.2 The procedure shall allow the Board, in the interest of efficiency, to make, without public hearing, technical corrections, minor modifications, or modifications of consequence to previously approved final orders including any plans approved in such orders.

703.3 For purposes of this section, “minor modifications” shall mean modifications that do not change the material facts upon which the Board based its original approval of the application.

The penthouse for which the special exception use was permitted by Order 19583 was to be one-story and 18 feet tall, and setback-compliant. The applicant proposes to alter that plan and now provide a one-story-plus-mezzanine penthouse that would be twenty feet tall, setback-compliant and 760 square feet larger than the previous penthouse. The uses would be the same as those permitted by Order 19583.

Subtitle C § 1500.3 permits penthouses as a matter-of-right, subject to the provisions of that chapter and Subtitle X, Chapter 9. The proposed revised penthouse would be in conformance with those uses and provisions. Since the proposed terrace associated with the habitable penthouse use would be on the south side of the building and not proximate to any residential uses, the design and size changes would not affect the use-related special exception relief previously granted by the BZA.

The proposed penthouse changes would result in a zoning-compliant change to the penthouse dimensions and a minor increase in the amount of space devoted to the special exception use. The applicant calculates this would result in an increase in the required affordable housing contribution from approximately \$84,767 to approximately \$102,852.

No new relief is required for the penthouse. There has been no significant change in the surrounding neighborhood since Order 19583 became final. Therefore, the material facts upon which the Board based its original approval have not changed.

OTHER PROPOSED REFINEMENTS TO BUILDING DESIGN AND SIZE

The dimensional and quantitative changes are detailed on pages 2 and 3 of Case Exhibit 10, filed October 16, 2018. An updated zoning analysis is on Sheet A001 of the revised architectural drawings filed October 16, 2018 and comparisons of the previous and currently-proposed design are contained throughout those drawings. Of note, Sheets A007 and A008 compare floor layouts and public space projections on the ground and second floors, and Sheets A012 and A013 compare roof and penthouse plans. These corrections include square footage from loading berths and from projections within property lines that should have been included in the calculations for the original Case 19583.

Accounting for the corrections to the previously approved case, the currently requested changes – even with the proposed increase in the size of the penthouse -- would result in a 44-square foot decrease in the size of the approved building.

The proposed non-penthouse changes do not require zoning relief, but they do result in changes to the drawings that had accompanied the earlier Order. Except for the penthouse use, the entire project could be constructed by-right, and OP has no concerns with these other design related modifications to the plans.

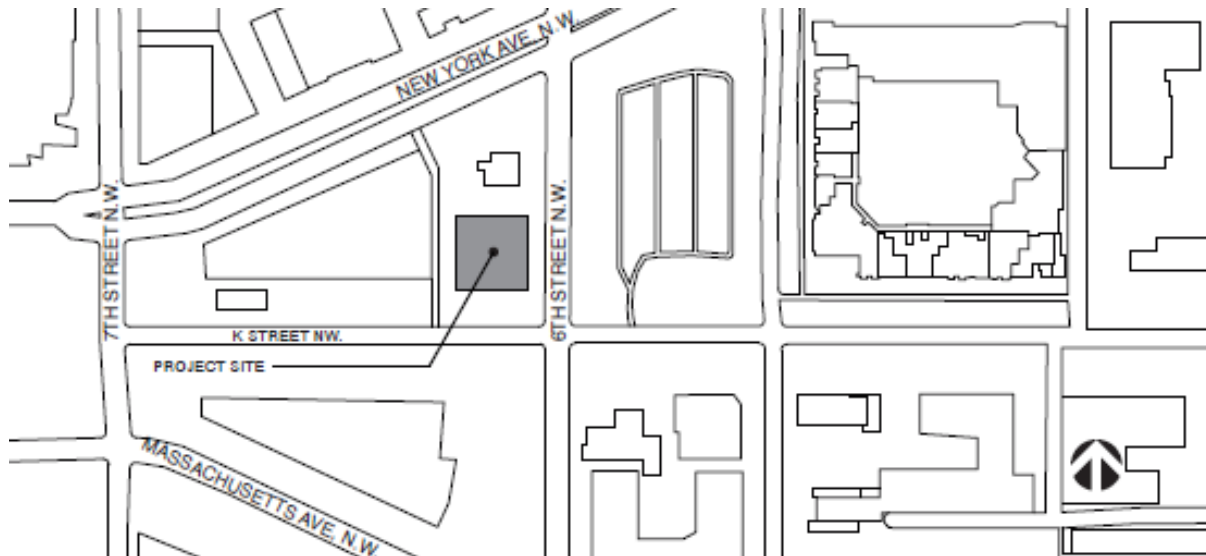


Figure 1. Site Location