

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of  
Atlantic Residential A, L.L.C.

BZA Application No:  
ANC: 1B11

**STATEMENT OF THE APPLICANT**

**I.  
Nature of the Application**

This is an application by Atlantic Residential A, L.L.C. (the “**Applicant**”) for approval of a rooftop bar and lounge for its residents and their guests on a mixed-use building that contains multi-family residential, retail, and eating and drinking establishment uses (the “**Building**”). The Building is located at Square 2875, Lot 1109 (the “**Property**”), also known as 2112 8<sup>th</sup> Street NW. Approval of the rooftop bar and lounge use is sought pursuant to 11-C DCMR § 1500.3(c), which permits such use as a special exception. The Building, which is already built and operational, conforms to the Zoning Regulations in all other respects.

**II.  
Jurisdiction of the Board**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.1 of the Zoning Regulations (11-X DCMR §901.1).

**III.  
Information Regarding the Property and Project**

The Property is located in the U Street neighborhood of Ward 1 and is comprised of approximately 40,528 square feet of land area. The Property is located in the MU-10 Zone District. The Property is bounded by 8<sup>th</sup> Street NW on the west, V Street NW on the south, and a public alley on the east. The property immediately to the north is currently used as a large surface parking lot.

The Property was previously vacant and was known as “Atlantic Plumbing Parcel A.” The Applicant had redeveloped the Property with a single 11-story building that consists ground floor retail and eating and drinking establishment uses and upper-level residential uses (the “**Building**”). The Building contains approximately 310 residential units and approximately 19,109 square feet of retail, service, and eating and drinking establishment uses. The project also contains approximately 165 below-grade parking spaces.

The Building includes a penthouse level that contains the Building’s indoor and outdoor amenity spaces for residents and their guest. The Applicant is proposing to add a rooftop bar and lounge within the existing penthouse space to be used solely by residents and their guests (the “**Project**”). The proposed rooftop bar and lounge will consist of approximately 957 square feet of penthouse floor area, and it is located in the central area of the penthouse, as shown on the plan attached as Exhibit J.

#### **IV.** **Description of Approval Requested**

The Zoning Regulations permit a bar or lounge in the MU-10 Zone. Such uses are also a customary and incidental accessory use for an apartment building, which is also a permitted use in the MU-10 Zone District. The Zoning Regulations generally permit any use allowed in the underlying zone to be located within a penthouse. Certain uses, such as a rooftop bar, lounge, or restaurant, are allowed as well, but require approval by the Board of Zoning Adjustment pursuant to 11-C DCMR §1500.3(c). Accordingly, the Applicant seeks such special exception approval for the rooftop bar and lounge.

**V.**  
**Satisfaction of Standards for Approval**

Pursuant to Subtitle C, Section 1500.3(c) and Subtitle X, Section 902.1, a rooftop bar and lounge may be approved provided that the Applicant demonstrates that the use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of the neighboring property. There are no additional standards for approval required for this particular use. The Applicant satisfies this criteria, as explained below.

The proposed rooftop bar and lounge use is in harmony with the Zoning Regulations. As noted above, a bar or lounge is permitted in the MU-10 Zone District and accordingly the use is presumed to be compatible with the mix of uses permitted in the MU-10 Zone District. Similarly, shared communal recreation space is a customary component of an apartment building, which use is also permitted in the MU-10 Zone District. Here, the proposed rooftop bar and lounge will serve as a social and gathering space for Building residents and their guests, both as a destination in itself and as an amenity for the outdoor roof deck. Accordingly, the establishment compliments the other uses in the Building, which are all permitted uses in the underlying MU-10 zone. The bar will also provide an attractive and well-located amenity that takes advantage of the Building's premium views, making the Property a premier residential development. The immediately surrounding properties are in the MU-10 zones, which encourage a mix of uses intended to create an active neighborhood where you can live and play. A rooftop bar and lounge for building residents is not inconsistent with this intended character.

The rooftop bar and lounge will also not adversely affect the neighboring properties. The immediately adjacent properties are also in the MU-10 zone and are currently largely surface parking lots and one commercial establishment to the west, the 9:30 Club, an entertainment

venue and bar. Properties to the east, across 8<sup>th</sup> Street NW, include historic properties owned by Howard University that are not actively used. Therefore, there are not uses immediately near the Property that would be negatively impacted by the rooftop bar use. Further, it is in the Applicant's best interest to prevent any negative impacts from the rooftop bar given the 310 residential units in the Building. Therefore, the Applicant will adopt reasonable rules and regulations to avoid unreasonable adverse impacts. Finally, because the rooftop use will require a liquor license, the ABRA licensing process will provide a forum for the Applicant and the operator to work with the ANC and surrounding community to address specific operational issues such as hours of operation and amplified noise.

**VI.**  
**Conclusion**

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully,

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David M. Avitabile

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