

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

Application of  
436 DC Fee Owner LLC

BZA Application No: \_\_\_\_\_  
ANC 2C03

**STATEMENT OF THE APPLICANT**

This statement supports the application of 436 DC Fee Owner LLC (the “**Applicant**”) to the Board of Zoning Adjustment (the “**Board**”) for special exception relief to facilitate the renovation of the Hotel Harrington located at 436 11<sup>th</sup> Street, NW (Square 322, Lot 813) (the “**Property**”) with approximately 215 keys, a new ballroom addition, a penthouse bar and lounge, and a ground floor consisting of a restaurant, bar/lounge, and potentially retail (collectively, the “**Project**”). The Property is located in the D-7 zone and is a contributing building in the Pennsylvania Avenue National Historic Site.

The application requests special exception relief pursuant to (i) Subtitle C § 1501.1(d) to permit an eating and drinking establishment within penthouse habitable space, and (ii) Subtitle C § 1506.1 from the penthouse screening requirements of Subtitle C § 1503.1 for rooftop mechanical equipment not fully enclosed.

The Project conforms to the Zoning Regulations in all other respects.

**I. JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X § 900.2 of the Zoning Regulations.

**II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is located at the corner of 11<sup>th</sup> Street, NW, E Street, NW, and 12<sup>th</sup> Street, NW in Downtown D.C. and consists of approximately 15,067 square feet of land area. The Property sits to the north of Pennsylvania Avenue and the Federal Triangle. The surrounding area consists of institutional and office buildings with ground floor retail and restaurants. Entertainment uses,

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including the Warner Theatre, the National Theatre, and Ford's Theatre are located nearby. The Property is situated approximately a quarter-mile from the National Mall with the Metro Center and Federal Triangle Metrorail Stations in close proximity.

The Property is improved with the Hotel Harrington (the "**Hotel**"), which was constructed in three phases: the original building in 1913 (the "**Original Building**"), and an addition in 1916 and a further addition in 1925 (together, the "**Later Phases**"). The Original Building is seven (7) stories and the Later Phases consist of twelve (12) stories. The Hotel operated continuously as a hotel for over a century and was one of the longest-operating hotels in Washington, D.C. Its prior ground floor restaurants, Harry's Bar and Ollie's Trolley, were staples for visiting tourists. The Hotel has been closed since 2023. The Applicant, an affiliate of KHP Capital Partners, purchased the Property in July 2026 and plans to complete a full-scale remodeling of the Hotel with a delivery target of late 2028.

The Property is a contributing building in the Pennsylvania Avenue National Historic Site and the Applicant is seeking federal historic tax credits. The Project is designed to be compatible with the historic district and received approval from the Historic Preservation Review Board ("**HPRB**") on September 24, 2026.

### **III. DESCRIPTION OF THE PROJECT**

The Applicant plans to renovate the Hotel with approximately 215 rooms, a new approximately 3,591 square foot ballroom on top of the Original Building (the "**Ballroom**"), and a new bar and lounge in the penthouse atop the Later Phases. The ground floor will feature a restaurant and a lobby bar open to the general public. The northwestern corner of the ground floor includes additional tenant space that will be devoted either to retail or an extension of the restaurant. The Project will revitalize the existing structure, preserving its historic character while

modernizing the building to meet contemporary hospitality standards. The design team has thoughtfully reintroduced original features of the Hotel, including Juliet balconies on the Original Building and ornamental medallions at the cornice. The Project will also open up a double height on the ground floor, including the lobby and bar/lounge areas, and relocate the entrance of the Hotel to its original location.

The design approach prioritizes the retention and restoration of significant historic features while introducing updated guest rooms and common areas for modern hotel operations. The renovation will also introduce new mechanical systems and life safety features, bringing the Hotel up to modern standards. The Project adds a new ballroom atop the Original Building, replacing an existing mechanical housing component. The ballroom will feature a stucco appearance and cornice that complement the Original Building. It will be set back from the façade and surrounded by an outdoor terrace. The upper story roof on the Later Phases will feature a penthouse bar and restaurant that likewise adjoins an outdoor terrace. These multilevel terraces will activate the Property and enhance dining and recreational opportunities in the surrounding area. At the ground level, the Project reinstates ornamental storefronts and rebuilds projecting storefront bays to improve the streetscape. The renovation is intended to reactivate the surrounding public space environment and the Pennsylvania Avenue National Historic Site, revitalizing the Property's two important Downtown corners.

#### **IV. DESCRIPTION OF RELIEF REQUESTED**

The Applicant seeks the following special exceptions:

- (i) Penthouse Eating and Drinking Establishment: The Project includes a restaurant and bar within the habitable penthouse atop the Later Phases and an adjacent outdoor terrace, which together require a special exception pursuant to Subtitle C § 1501.1(d).

- (ii) Rooftop Mechanical Equipment Screening: The Project replaces an existing mechanical housing component atop the Original Building with the new Ballroom. The new mechanical equipment above the Ballroom will not be fully enclosed behind a screen wall as required by Subtitle C § 1503.1, and accordingly the Applicant seeks special exception relief from that screening requirement pursuant to Subtitle C § 1506.1.

The Project conforms to the Zoning Regulations in all other respects.

## **V. SATISFACTION OF STANDARDS FOR RELIEF**

### **A. Special Exception for Eating and Drinking Establishment in Habitable Penthouse**

Pursuant to Subtitle C § 1501.1(d) and Subtitle X § 901.2, an eating and drinking establishment within penthouse habitable space may be approved as a special exception provided that the Applicant demonstrates that the use (a) is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and (b) will not tend to affect adversely the use of neighboring property. The Project satisfies these criteria, as explained below.

#### *1. The Proposed Eating and Drinking Establishment is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps. (Subtitle X § 901.2(a))*

The proposed penthouse restaurant and bar use is in harmony with the Zoning Regulations. An eating and drinking establishment is a matter-of-right use in the D-7 Zone District. Such a use is also a customary and incidental accessory use for a hotel, which is likewise a permitted use in the D-7 Zone District. The proposed penthouse restaurant and bar, comprising approximately 2,584 square feet,<sup>1</sup> will be open to the general public and will serve as a gathering space for Hotel guests, office workers, nearby residents, and visitors in the surrounding area, both as a destination and as a guest amenity. The adjoining outdoor terrace will complement the rooftop lounge, offering patrons a chance to enjoy the open air. The use is consistent with, and advances, the mix of

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<sup>1</sup> Based on the proposed habitable penthouse area of approximately 2,584 square feet, the Project is anticipated to generate a Housing Production Trust Fund contribution of approximately \$241,384.36.

hospitality, office, and entertainment uses that characterize this part of Downtown D.C., and the restaurants, hotels, and other dining and entertainment destinations in the surrounding area. The use will also activate the Property's upper stories and provide expansive views of the surrounding historic district, consistent with similar rooftop dining and entertainment uses found elsewhere in the District's downtown core. The proposed use is also integral to the broader renovation of the Hotel, which HPRB approved on September 24, 2026, and which ANC 2C unanimously supported in advance of that approval, reflecting community recognition that the Project, including its hospitality and dining components, is compatible with, and will enhance, this part of the historic district. Accordingly, the proposed eating and drinking establishment is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. *The Proposed Eating and Drinking Establishment Will Not Tend to Affect Adversely the Use of Neighboring Property. (Subtitle X § 901.2(b))*

The proposed penthouse restaurant and bar will not adversely affect the use of neighboring property. The surrounding area is composed predominantly of institutional and office buildings with ground-floor retail and restaurant uses, together with nearby entertainment venues, and does not include any residentially zoned property or multifamily uses adjacent to the Property. The proposed use is located atop the Later Phases, well above the surrounding streetscape, and is oriented toward an outdoor terrace and E Street, NW rather than toward any adjoining building. Moreover, because the Hotel's own guest rooms are the use most proximate to the penthouse lounge, the Applicant has every incentive to responsibly manage the operation of the lounge, including its hours and noise, to avoid any unreasonable disturbance to its own guests, which in turn will minimize any potential effect on more distant neighboring properties. Since the proposed restaurant and bar will require a liquor license, the ABRA licensing process will provide an additional forum in which the Applicant can work with the ANC and the surrounding community

to address operational matters such as hours of operation and outdoor noise. The Applicant has already engaged with ANC 2C in connection with the related historic preservation application for the Project, which the ANC unanimously supported, and the Applicant intends to return to the ANC to present this application. Accordingly, the proposed eating and drinking establishment will not tend to adversely affect the use of neighboring property, and instead will provide a publicly accessible amenity that activates the Property's upper stories and the surrounding area.

B. Special Exception Relief from Penthouse Screening Requirements

Relief from the penthouse screening requirement in Subtitle C § 1503.1 is permitted as a special exception, subject to the considerations in Subtitle C § 1506.1 and the general provisions of Subtitle X § 901.2. In order to obtain such relief, an applicant must demonstrate satisfaction of (a) the general special exception requirements of Subtitle X, Chapter 9; (b) that reasonable effort has been made for the housing for mechanical equipment to be in compliance with the required setbacks; and (c) at least one of the criteria set forth in Subtitle C § 1506.1(c). As discussed below, the application satisfies the applicable standards.

*1. The Relief Requested is in Harmony with the Intent and Purpose of the Zoning Regulations and Zoning Maps. (Subtitle X § 901.2(a))*

The requested relief from the penthouse screening requirement is consistent with the purpose and intent of the Zoning Regulations and Zoning Maps. The new mechanical equipment serving the ballroom addition will be located atop the Original Building and will be set back from the edge of the Ballroom addition, which is itself setback from the building façade on the north and east elevations. The mechanical equipment will be almost entirely enclosed behind the screen wall, with only a small portion of the top of the equipment – a height of approximately eighteen (18) inches – rising above the top of the screening at the front of such screenwall, such that the visibility of the mechanical equipment from the public realm will be *de minimis*. A fully compliant

screen wall, tall enough to conceal the entire height of the equipment and provide the clearance space the equipment requires, would need to extend approximately eighteen (18) inches higher than the proposed screening and would encroach into the penthouse setback area required by Subtitle C § 1504.1, thereby necessitating additional relief from that setback requirement. By requesting only the relief needed to permit a slightly shorter screen wall, the Applicant ensures that the small visible portion of the equipment causes no meaningful visual impact. Granting the requested relief will minimize the visual impact of the mechanical equipment and avoid conflicts with the penthouse setback requirements of Subtitle C § 1504.1 that would otherwise result if a compliant screen wall were required. To that end, the HPRB reviewed and approved the proposed screen wall and mechanical equipment proposal. Accordingly, the relief requested is fully consistent with the intent of the penthouse regulations to minimize the visual impact of rooftop equipment and will not adversely affect neighboring properties.

*2. The Requested Relief Will Not Adversely Affect Neighboring Properties. (Subtitle X § 901.2(b))*

The requested relief will not adversely affect neighboring properties. The Ballroom is already set back and the mechanical equipment, which sits atop the Ballroom, will be even further set back. The existing building contains a similar mechanical rooftop structure which is entirely unscreened and more visually intrusive from the surrounding blocks than the proposal. The Project will vastly improve this space with a Ballroom and partially screened mechanical equipment, such that neighboring properties and the surrounding streetscape will experience a substantial visual improvement over existing conditions rather than any adverse effect. In addition, due to the sight lines provided by public space surrounding the Property, a screen wall of a slightly lower height than the height of the mechanical components within such screen walls will allow for the blockage

of any ability to view the mechanical equipment from most of the surrounding sidewalks and streets. Accordingly, the relief requested will not adversely affect neighboring properties.

*3. Reasonable Effort Has Been Made for the Housing for Mechanical Equipment to Be in Compliance with the Required Setbacks. (Subtitle C § 1506.1(b))*

The Applicant has made reasonable efforts to comply with the required setbacks and the requested relief for a slightly smaller screen wall will in fact allow the rooftop structure to comply with the required setbacks. The amount of space above the Ballroom available for the equipment and its screening is inherently limited by the Ballroom's own setback, and the Applicant has designed the installation to efficiently locate the mechanical equipment within that constrained footprint in the least visually intrusive manner achievable while still complying with the required setbacks. The Applicant could not raise the screen walls and push them closer to the mechanical equipment due to the need to provide such mechanical elements air flow and to allow for ongoing maintenance access space adjacent to such units. The alternative — extending the screen wall to fully enclose the equipment along the street frontages — would push the screening into the setback area and require separate relief from Subtitle C § 1504.1, which is a less favorable outcome than the narrowly tailored relief requested here. Accordingly, the Applicant has made reasonable effort to house the mechanical equipment in a way that complies with all required setbacks.

*4. The Requested Relief Would Result in a Better Design of the Penthouse or Rooftop Structure Without Appearing to Be an Extension of the Building Wall and Would Result in a Less Visually Intrusive Rooftop Structure. (Subtitle C §§ 1506.1(c)(2); 1506.1(c)(3))*

Granting the requested relief will result in a better and less visually intrusive design for the rooftop than would result from strict compliance with the screening requirement. If screening were to extend for the full height of the mechanical equipment along the street frontages and provide the necessary clearance space around the equipment, the screening would encroach into the

required 1:1 setback area, thus necessitating relief from Subtitle C § 1504.1 and resulting in a taller, more visually prominent screen wall that appears more like an extension of the building wall. Instead, reducing the height of the screen wall results in a lower-profile rooftop structure that is less visually intrusive and reads as a smaller, more proportionate addition to the Original Building. Accordingly, the relief requested satisfies the applicable criteria of Subtitle C § 1506.1(c).

For all of the foregoing reasons, the Project satisfies the standards for special exception relief under Subtitle C § 1506.1 from the penthouse screening requirements of Subtitle C § 1503.1.

## **VI. CONCLUSION**

For all of the above reasons, the Applicant has satisfied the standards for the requested special exception relief in this case and respectfully requests approval for such relief.

Respectfully Submitted,

/s/ Jeff C. Utz  
Jeff C. Utz

/s/ Lee S. Templin  
Lee S. Templin