

**BEFORE THE  
ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**899 O STREET, NW  
(SQUARE 398, LOT 7006 & PART OF LOT 32)**

**PREHEARING SUBMISSION  
FOR A  
MODIFICATION WITH HEARING  
TO A  
CONSOLIDATED PLANNED UNIT DEVELOPMENT**

**Z.C. CASE NO. 07-26G**

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**November 22, 2024**

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**CERTIFICATION OF COMPLIANCE**  
**WITH SUBTITLE Z § 401 OF THE ZONING REGULATIONS**

The undersigned hereby certifies that, in accordance with Subtitle Z § 401.5 of the Zoning Regulations, the following information was filed with the Zoning Commission on November 22, 2024. In accordance with Subtitle Z § 401.5, the application will not be modified less than 30 days prior to the public hearing.

<b><u>Subtitle Z</u></b>	<b><u>Description</u></b>	<b><u>Page/Exhibit</u></b>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	Submitted herein
401.1(b)	List of witnesses prepared to testify on the Applicant's behalf	Exhibit A
401.1(c)	Outlines of witness testimony and resumes of expert witnesses	Exhibit B
401.1(d)	Additional information introduced by the Applicant	Submitted herein
401.1(e)	Updated Architectural Plans and Elevations	Exhibit C
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit D
401.1(g)	Estimated time required for presentation of Applicant's case	Exhibit A
401.3(a)	Names and addresses of owners of all property within 200 feet of the subject property	Exhibit 2C in case record
401.7	Report by Traffic Consultant	None required

Respectfully submitted,

HOLLAND & KNIGHT LLP



Jessica R. Bloomfield

## **LIST OF EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
List of Witnesses and Time for Presentation	A
Outlines of Witness Testimony and Resumes of Expert Witnesses	B
Updated Architectural Plans and Elevations	C
List of maps, plans, or other documents readily available that may be offered into evidence	D

## **I. INTRODUCTION**

This Prehearing Statement and accompanying documents are submitted on behalf of 899 Lodging Group, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for a Modification With Hearing to an approved consolidated planned unit development (“PUD”) for property located at 899 O Street, NW (Square 398, Lot 7006, and part of Lot 32) (the “Property”). With the information provided herein and attached hereto, the Applicant respectfully requests that the Zoning Commission schedule a public hearing on the application.

The subject application was submitted in accordance with Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”), and in accordance with the Zoning Commission’s approval in Z.C. Order No. 07-26, as modified and extended in Z.C. Order Nos. 07-26A through 07-26F.

As set forth in the materials previously submitted to the case record, the Applicant requests a Modification With Hearing pursuant to Subtitle Z § 704 to modify the penthouse on the existing building on the Property as follows:

- Special exception relief pursuant to 11-C DCMR § 1501.1(d) and 11-X DCMR § 901.2, to establish an eating and drinking establishment in existing penthouse habitable space;
- Special exception relief from the penthouse setback requirements of Subtitle C § 1504, pursuant to 11-C DCMR § 1506.1 and 11-X DCMR § 901.2; and
- Approval to expand the existing penthouse structure by approximately 40 square feet to add an elevator lobby.

## **II. THE OVERALL PUD SITE, THE PROPERTY, AND THE APPROVED PUD**

The Property is known as 899 O Street, NW, which is part of Record Lot 32 in Square 398 (the “Overall PUD Site”).<sup>1</sup> The Overall PUD Site is bounded by P Street, NW to the north, 7<sup>th</sup> Street, NW to the east, O Street, NW to the South, and 9<sup>th</sup> Street, NW to the west. The Overall PUD Site has approximately 149,600 square feet of land area and is rectangular in shape. The Property is located on the southern portion of the Overall PUD Site.

The Overall PUD Site is improved with three buildings that were constructed in accordance with Z.C. Order No. 07-26, dated May 12, 2008, and effective as of July 18, 2008 (Exhibit 2D) (the “Original Order”), as modified and extended. The Original Order approved a consolidated PUD and a related Zoning Map amendment from the C-2-A zone to the C-3-C zone for the Overall PUD Site under the 1958 Zoning Regulations that were in place at the time.<sup>2</sup> The Original Order provided for the redevelopment of the Overall PUD Site, which included the historic O Street Market, with new residential, retail, service, hotel, and grocery store uses. This approval included the development of a hotel building on the Property (the “Hotel Building”). All of the buildings approved pursuant to the PUD, including the Hotel Building, have been constructed and are occupied.

## **III. SUMMARY OF PROPOSED MODIFICATIONS**

As shown on the Architectural Plans and Elevations included in the case record at Exhibit 2E, as modified by the updated Architectural Plans and Elevations attached hereto as Exhibit A (the “Architectural Plans and Elevations”), the Applicant proposes to modify the existing

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<sup>1</sup> At the time that Z.C. Order No. 07-26 was approved, the Overall PUD Site was known as Lots 829 and 830 in Square 398.

<sup>2</sup> Under the current Zoning Regulations, the C-2-A zone converted to the MU-4 zone, and the C-3-C zone converted to the MU-9B zone.

penthouse on the Hotel Building to allow for an eating and drinking establishment use. The Applicant also proposes to bring an existing elevator to the roof, thus increasing the height of the existing elevator overrun from 18.5 feet to 20 feet, which results in a non-compliant penthouse setback in one location. The Applicant also proposes to expand the enclosed penthouse structure by approximately 40 square feet to accommodate an elevator lobby. The modification to permit an eating and drinking establishment in the penthouse requires special exception relief pursuant to 11-C DCMR § 1501.1(d), and the modification requiring penthouse setback relief requires a special exception pursuant to 11-C DCMR § 1506.1. No other modifications are proposed for the Hotel Building.

#### **IV. SETDOWN RECOMMENDATION**

By report dated November 2, 2024 (Exhibit 6), OP recommended setdown of the application (the “OP Setdown Report”). At its public meeting on November 14, 2024, the Zoning Commission voted to schedule the case for a public hearing. Comments made by OP in the OP Setdown Report and by the Zoning Commission at its public meeting are set forth in subsections IV(a) and (b) below. In addition to responding to comments from OP and the Zoning Commission, this Prehearing Submission also includes the information required pursuant to Subtitle Z §§ 401.1 through 401.4. Accordingly, the Applicant requests that the Zoning Commission schedule a public hearing for consideration of this application.

##### **A. INFORMATION REQUESTED BY THE OFFICE OF PLANNING**

The only additional information requested by OP was to further address concerns raised by the residential community across O Street to the south of the Property, and to discuss any agreed upon mitigation. *See* OP Setdown Report, p. 5. The Applicant is in the process of engaging the community and the affected Advisory Neighborhood Commission (“ANC”) and will provide an update on its engagement efforts to the Commission prior to the public hearing.

## **B. INFORMATION REQUESTED BY THE ZONING COMMISSION**

The Zoning Commission requested three items at its public hearing, which are set forth below with the Applicant's responses thereto.

### **1. Penthouse Height**

The Zoning Commission asked the Applicant to confirm that the penthouse height for the new elevator overrun will not exceed 20 feet. As shown on Sheets A001 (Project Information), A009 and A010 (Building Sections), and A011 (Section Details), the Applicant confirms that the new elevator overrun has a height of 20 feet.

### **2. Penthouse Setback**

The Zoning Commission asked the Applicant to provide additional information regarding why the additional penthouse height cannot be setback farther on the roof so that it is not visible to the condominium building to the south across O Street. As shown on Sheets A009 and A010 of the Updated Architectural Plans and Elevations attached hereto, the elevator shaft is an existing condition running vertically within the building but currently stops at the second floor. To improve access to floors and decrease elevator wait times for guests, the Applicant proposes to extend the elevator to the roof, which requires increasing the height of the overrun. Thus, the elevator core cannot be shifted at the roof level and must have a height of 20 feet in order to accommodate all required mechanical equipment. The proposed elevator lobby will be 13 feet in height and provide a setback of 15 feet, 1-3/4 inches, and therefore will not require setback relief..

### **3. Community and ANC Engagement**

The Zoning Commission asked the Applicant to provide additional information about its outreach efforts to neighbors and the ANC. The Applicant is working with the affected ANC 2G and is in the process of scheduling a community "meet and greet" at the Property. All neighbors are being invited to this event. In addition, the Applicant is scheduled to attend the ANC's Zoning,

Planning, and Historic Preservation Committee, and the full ANC 2G public meeting, both in December. The Applicant will provide more information regarding the results of these meetings and continued engagement prior to the public hearing on the case.

## **V. CONCLUSION**

This Prehearing Submission, along with the materials included as part of the original application meet the filing requirements for a Modification With Hearing to an approved consolidated PUD as required by Subtitle X, Chapter 3 and Subtitle Z of the Zoning Regulations. Accordingly, for the reasons set forth in the original application and in this Prehearing Submission, the Applicant respectfully requests that the Zoning Commission schedule a public hearing on the application.