

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: June 4, 2019

SUBJECT: BZA 19020B – 1011 K Street, N.W. – Request for a Modification of Significance to **permit a nightclub, bar, cocktail lounge or restaurant in the penthouse** as a special exception pursuant to C 1500.3(c)

I. BACKGROUND

BZA Order 19020A¹ (Exhibit 5) granted variance relief from parking, closed court width and service /delivery space requirements, as well as special exception relief from the alley centerline setback requirement. This relief facilitated the construction of a 13-story plus penthouse hotel, including the restoration and incorporation of four existing row buildings at the northeast corner of 11th Street and R Street into the new structure. The building opened for business in late 2018

The building was approved prior to Zoning Commission Case 14-13, which allowed for habitable penthouse space. The approved plans for this building included an enclosed penthouse area above the 13th floor labeled “rooftop”, with elevator and stair access, and restrooms. At a height of 18 feet, 6 inches, it is set back from the front and rear walls of the building a distance equal to its height and extends across the full width of the building. The subject application is for the conversion and enlargement of this penthouse space to active commercial use as a nightclub, bar, cocktail lounge or restaurant.

II. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the application, subject to a contribution to the Housing Production Trust Fund. The applicant should provide an estimate of this contribution at or prior to BZA consideration of this modification request, with the final amount to be determined at the time of permit application.

III. LOCATION AND SITE DESCRIPTION

Address	1011 K Street, N.W.
Legal Description	Square 342, Lot 61
Zoning	D-5-R

¹ Order 19020A, issued January 29, 2016, replaced Order 19020 (Exhibit 59), correcting the exhibit number assigned to the approved plans.

Ward, ANC	Ward 2, ANC 2C
Lot Characteristics and Existing Development	L-shaped lot improved with a 13-story hotel attached to two 4-story row buildings, and rear alley access
Adjacent Properties and Neighborhood Character	Northwest: 14-story mixed-use commercial/residential building Northeast: 11-story office building South: Across K Street, office building and hotel East: 2-story office and 8-story mixed-use commercial/office buildings West: 8-story hostel building

IV. DESCRIPTION OF MODIFICATION

The applicant proposes to convert the existing penthouse and the outdoor terrace to a nightclub, bar, cocktail lounge or restaurant use, permitted by special exception in the D-5-R zone. A kitchen to serve the proposed use would be constructed in the northeast corner of the penthouse, and a 124 square-foot “kitchen support space” addition would be constructed onto the northeast corner of the penthouse. The addition would be eleven feet in height and set back eleven feet from the edge of the north side of the building, or 1:1.

The area into which the addition would extend is currently occupied by a green roof above the 13th floor, and the displaced green roof would be relocated to the roof of the proposed penthouse addition. In total, the proposed use, including the penthouse addition for the kitchen, would occupy an area of approximately 2,794 square feet.

V. ANALYSIS

Subtitle Y § 704.2 describes Modifications of Significance as those limited to the impact of the modification on the subject of the original application, not permitting the Board to revisit its original decision, and requiring a public hearing. In this case, the application is to permit a nightclub, bar, cocktail lounge or restaurant, a use not permitted within a penthouse at the time relief for the original building was reviewed and approved. Under the current penthouse regulations, these uses are permitted by special exception only, pursuant to Subtitle C § 1500.3(c). When not located within a penthouse these uses are permitted as a matter-of-right in the D-5-R zone.

Subtitle X, Chapter 9 authorizes the Board to grant special exceptions, subject to the following:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed use, “a nightclub, bar, cocktail lounge or restaurant,” would provide a source of activity and dining, serving not only the needs of the transient population patronizing the nearby hotels, but also residents, employees and visitors within the downtown area. D-5-R is a high-density zone designed to accommodate high-density commercial and mixed-use development. The use is permitted by-right, and by special exception in the penthouse, so is consistent with the intent of the zone.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

The use would be located on the penthouse level of a new building within a densely

developed downtown neighborhood that includes residential, office, commercial and lodging uses. The associated outdoor roof terrace faces south toward K Street, across from an office building and another hotel. To the east is a two-story office building, eleven floors below, and to the west is the rooftop of the remainder of the hotel structure, nine floors below, minimizing adverse impacts of the proposed use on surrounding uses.

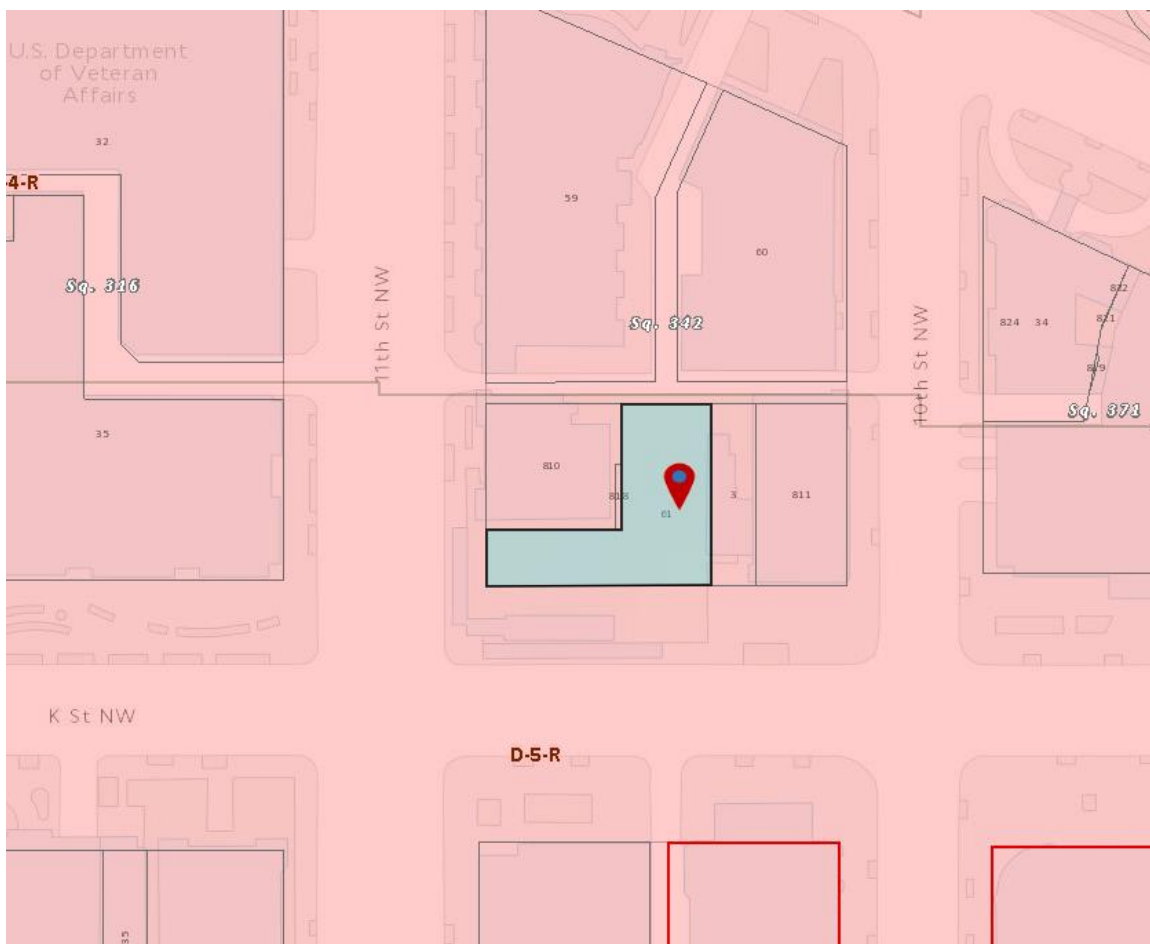
VI. AGENCY COMMENTS

DDOT, in a memorandum dated May 31, 2019, had no objection to the application. (Exhibit 27). Both the Zoning Administrator in DCRA and DHCD confirmed in emails to OP that the HPTF contribution would be required.

No other District agency comments were submitted to the file as of the date of the filing of this report.

VII. COMMUNITY COMMENTS

No comments were submitted to the record from ANC 2C as of the date of the filing of this report.



Vicinity Map