



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Cochran, AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review

**DATE:** November 17, 2017

**SUBJECT:** BZA Case No. 19583 – Request for Special Exception Approval of a restaurant/bar use in a penthouse at 601 K Street, NW (Square 451, Lots 23-25, 822 and 823)

### I. BACKGROUND

The applicant has significantly redesigned its proposed project since this application was originally filed. The new self-certified proposal appears to be by-right in all respects other than penthouse use. The applicant has requested the withdrawal of its previous requests for rear yard, court, front build-to, loading and area variance requirements, and is now requesting only a special exception for the proposed penthouse uses. This OP report is based on the revised application dated November 8, 2017 (Exhibits 33 – 34A3), and analyzes only the special exception request.

OP notes the D-4-R zone has a 4.5 FAR minimum residential requirement, which must be met on-site, using Credits consistent with Subtitle I Chapters 8 and 9, or – in part – through the provision of off-site affordable housing. Hotel sleeping rooms do not fulfill residential requirements. The habitable penthouse space has an affordable housing requirement under Subtitle C, § 1505. The applicant has not discussed how either requirement will be met.

### II. OFFICE OF PLANNING RECOMMENDATION

OP recommends the Board **approve** the Special Exception request to permit a rooftop penthouse lounge/bar/restaurant at 601 K Street, NW pursuant to Subtitle C § 1500.3 (c) and Subtitle X § 900.

### I. AREA, SITE DESCRIPTION, AND PROPOSAL

<b>Applicant:</b> Jemal’s East 451, LLC		<b>Legal Description:</b> Square 451, Lots 23-25, 822, 823	
<b>Address:</b> 601 K Street, NW		<b>Ward:</b> 6	<b>ANC:</b> 6E
<b>Zoning:</b> D-4-R/Mount Vernon Triangle sub-area. Fronts one designated primary street (K Street). Is subject to specific downtown use and design requirements.		<b>Historic Preservation:</b> Adjacent to, but not within, Mount Vernon Triangle Historic Property. Former gas station on site is eligible for, but not designated for, for historic status.	
<b>Lot Features</b>	The approximately 10,000 square foot, level, rectangular lot is located at the northwest corner of 6 <sup>th</sup> and K Streets, N.W., in the Mount Vernon Triangle area of downtown. It is bounded by a vacant lot to the north, 6 <sup>th</sup> Street to the east, K Street to the south and a 10-foot wide alley to the west. A vacant former gas station occupies a portion of the southeast section of the lot. A non-historic, former dry cleaners that has been moved from another site is stored on the northern portion of the lot. (Both would be relocated). The remainder of the site is used as a commercial parking lot.		



<b>Adjacent Properties</b>	The 11-story Association of American Medical Colleges building is west-adjacent. The southern part of the lot to the north is occupied by a two-story office building, with the remainder of that lot being used as a commercial parking lot. .
<b>Neighborhood Character</b>	The Mount Vernon Triangle is east of Mount Vernon Square and is generally bounded by New York, Massachusetts and New Jersey Avenues. It is a rapidly developing downtown neighborhood, with new high-rise apartment buildings, hotels, office buildings and retail offerings. Several two-to-four-story buildings within the Triangle have been historically designated and comprise a non-contiguous Mount Vernon Triangle historic district.
<b>Proposal</b>	<p>The 13-story 105,115 square foot (sf) building would rise 130 feet and have an FAR of approximately 10.0. The ground floor would be devoted to hotel common spaces, retail uses and a restaurant. There would be pedestrian entrances on both K Street and 6<sup>th</sup> Street. Parking is not required in a downtown zone and would not be provided. Three loading berths would be accessed from the alley. Upper floors would have hotel sleeping rooms.</p> <p>As illustrated in Exhibit 34A1, Sheets A014 and A015, the penthouse is designed to accommodate 2,815 square feet of habitable space. The present special exception seeks permission to use this space for a bar, restaurant, nightclub or lounge, with an adjacent terrace and with a supporting kitchen and restrooms.</p>
<b>Site Plan</b>	

## II. ZONING REQUIREMENTS and REQUESTED RELIEF

Case Exhibit 34A1, Sheet A001 provides an analysis of the proposal against the zoning regulations, noting that the new building would comply in all aspects other than penthouse use. The following table includes information pertaining directly to the penthouse and the requested special exception.

Item	Regulation	Required / Permitted	Proposed	Relief
<b>Penthouse</b> (height, setbacks, etc.)	I-§ 532.5 C-§1502.1	20 ft., inclusive of 1 <sup>st</sup> story habitable space and second story mechanical space. 1:1 setback from front, rear, side, open courts	18 ft. tall  1:1 setbacks	Conforming
<b>Penthouse</b> (number)	C-§§ 1500.6, 1500.7	One typically, but addition if separate elevator cores and roof levels	One	Conforming.
<b>Penthouse</b> (housing)	C-§ 1505	Non-residential habitable > 1000 SF requires affordable housing.	Hotel lounge covered area: 2815 SF (Exhibit 34A21, Sheet A014)	Conforming
<b>Penthouse</b> (uses)	<b>C-§1500.3</b> <b>X –Chap. 9</b>	<b>Nightclub, bar, etc. permitted only by Special Exception</b>	<b>hotel lounge</b>	<b>Special Exception Requested</b>

## III. OFFICE OF PLANNING ANALYSIS

### Special Exceptions for Penthouse Use

The applicant is requesting a special exception under the provisions of Subtitle C § 1500.3 (c) and Subtitle X § 901.2 to provide a rooftop lounge in the portion of the penthouse associated with the hotel use.

*X-§ 901.2 The Board ...is authorized ....to grant special exceptions... where...the special exceptions:*  
*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed development would be in a downtown zone where high density commercial and mixed-use development is expected and where rooftop lounges associated with hotels are not atypical.

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

The proposed lounge would not likely have an adverse effect on neighboring properties. It would be located on the southeast east side of the building, facing the corner of 6<sup>th</sup> and K Streets. There are no existing residential developments within one block, nor is OP aware of any proposals for nearby residential development that would face the proposed rooftop bar/restaurant/lounge.

*(c) Will meet such special conditions as may be specified in this title.*

The title does not contain special conditions for rooftop lounge use special exceptions.

#### **IV. ADDITIONAL DISTRICT AGENCY COMMENTS**

There were no District agency comments on file of the date of filing this report.

#### **V. COMMUNITY COMMENTS**

There were no letters of support or opposition from ANC 6E, community groups or individuals in the case file as of the filing of this report.