

**BZA Application #19722**

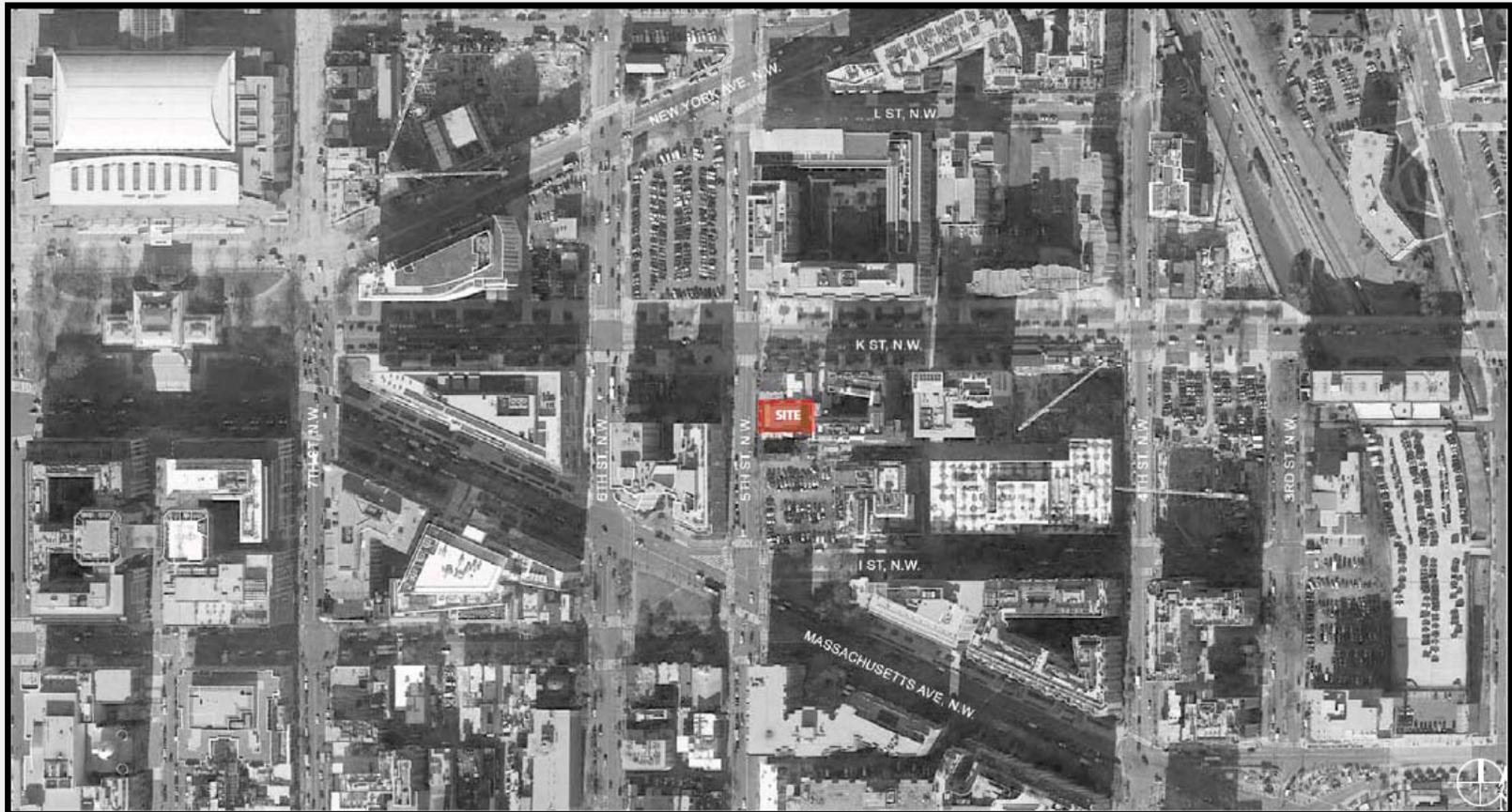
923 – 927 5<sup>th</sup> Street NW

Kline Operations, LLC

**Presented by:**  
Meridith H. Moldenhauer  
Cozen O'Connor



# The Property – 923-927 5<sup>th</sup> Street NW

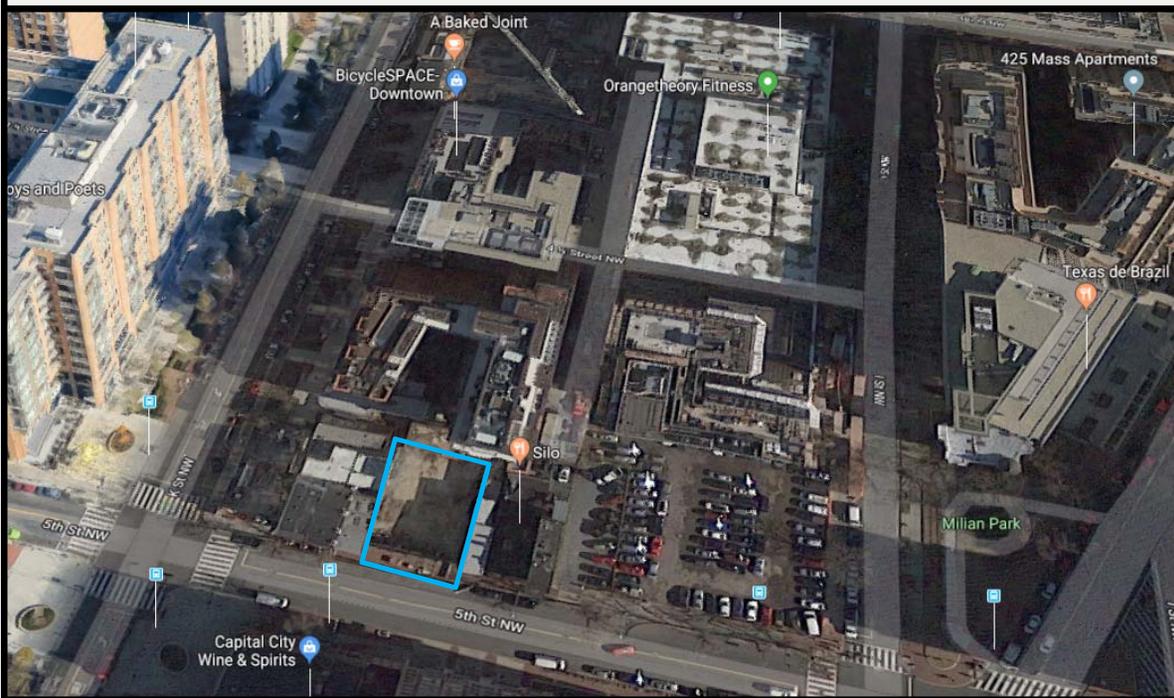
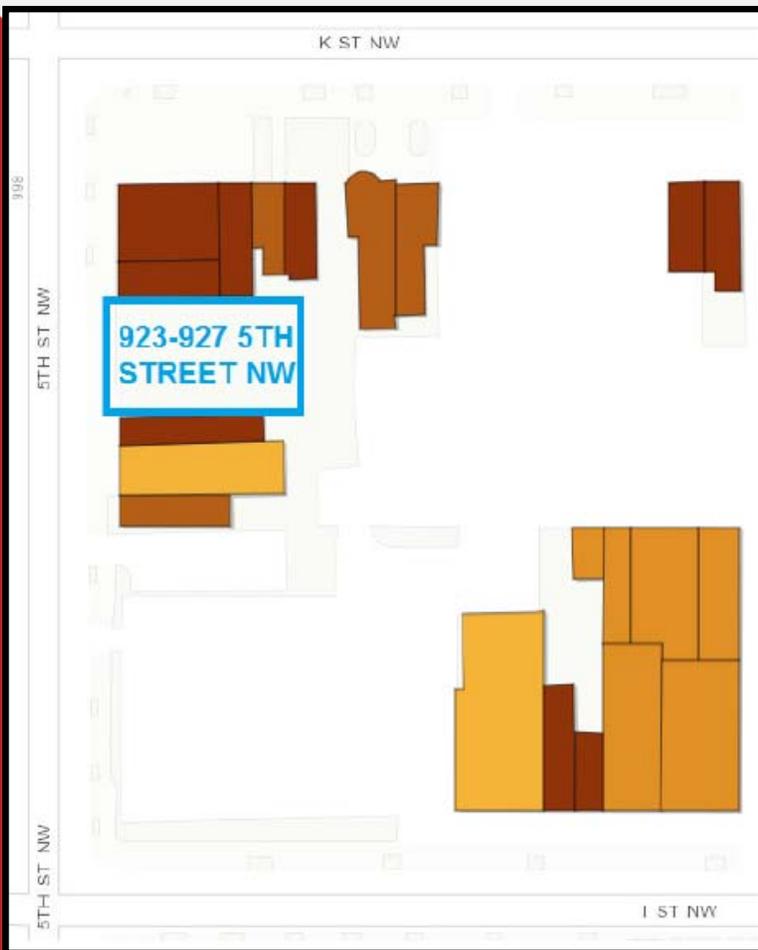


# Zoning Map



**Square 0516**  
**Assemblage of**  
**Lots 0827, 0828,**  
**0829 and 0833**  
  
**D-4-R Zone**

# Historic Map & Satellite Image



## The Project

- Assemble four lots into one and construct a new hotel with approximately 153 keys on the Property
- Hotel will be 99 feet in height (11 stories)
- Penthouse proposed with lounge and mechanical

# Community Outreach

- On February 22, 2018, the Applicant presented the Project at a community meeting open to the public at 450 K Street NW and, separately, to the Mount Vernon Triangle Community Improvement District Board
- Applicant met with the ANC Single Member District Commissioner for the Property
- Applicant presented to the ANC Zoning Committee and the full ANC at their February and March meetings
- Unanimous support from ANC 6E (conditional upon Applicant requesting from DDOT that one additional parking space be added to the loading zone in front of the Project on 5<sup>th</sup> Street NW)
  - Applicant agreed to make such a request and will continue to work with DDOT on that issue

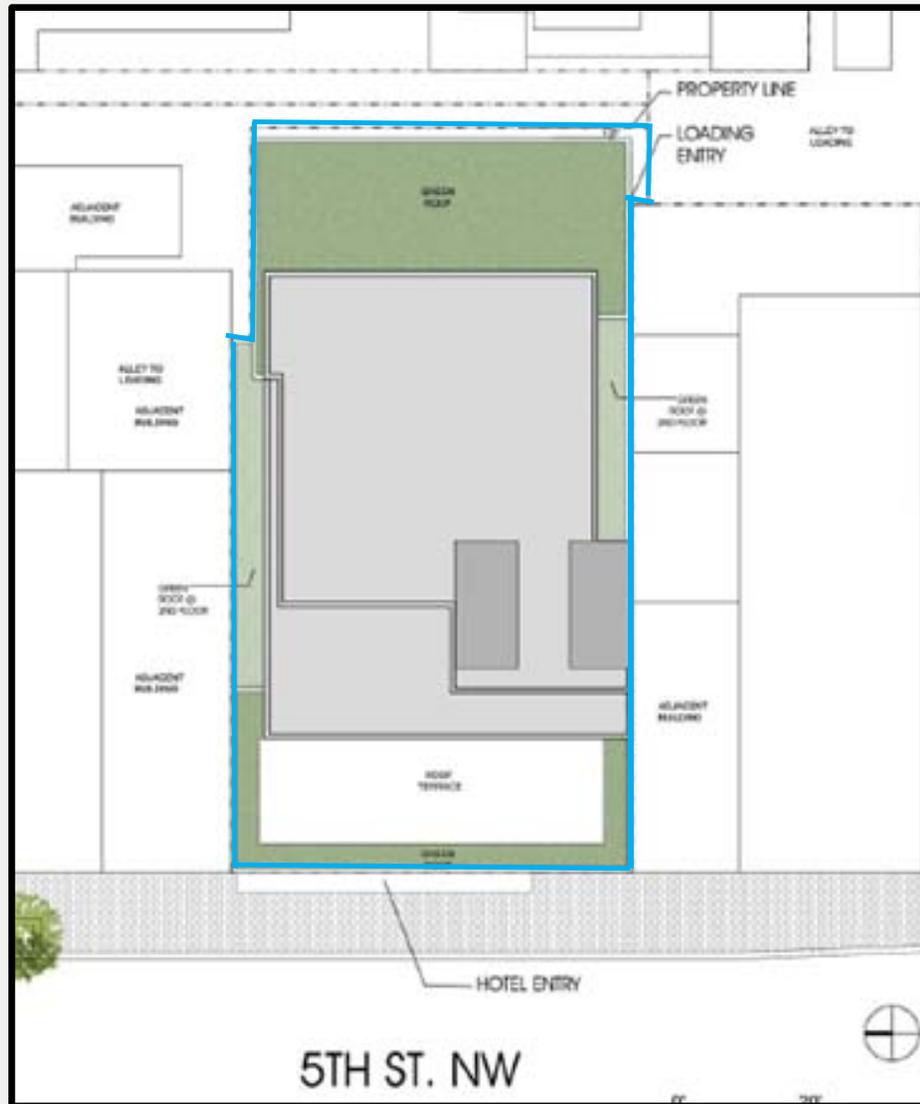




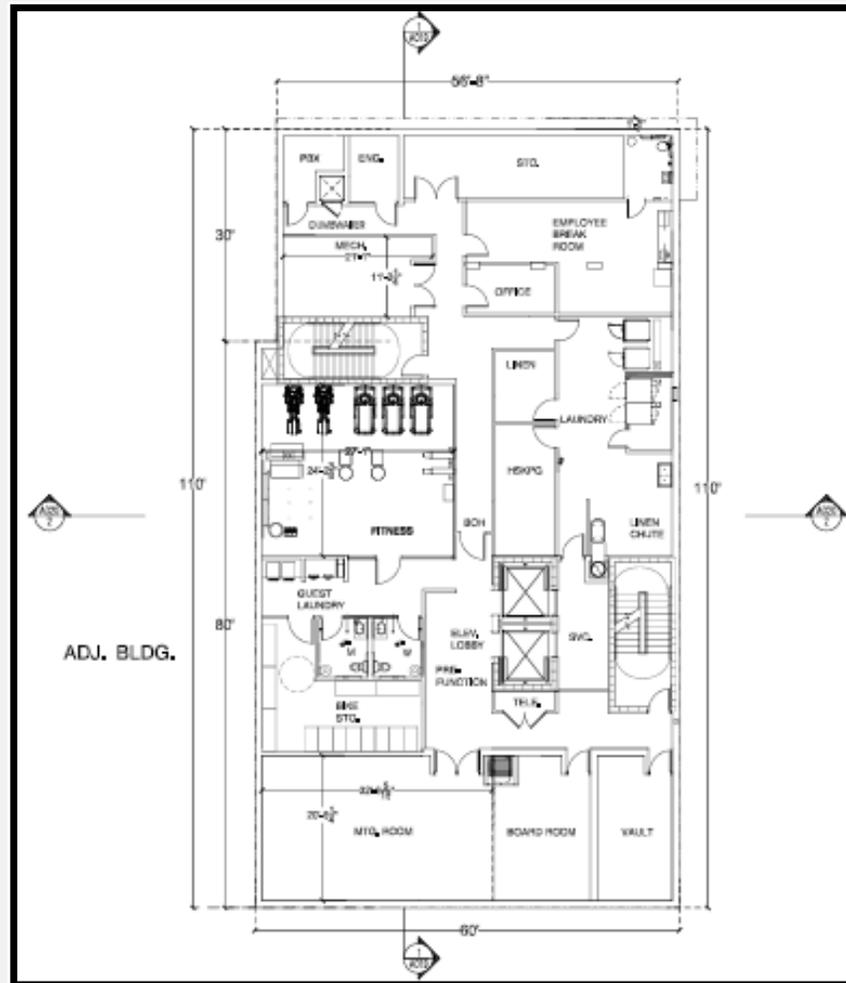




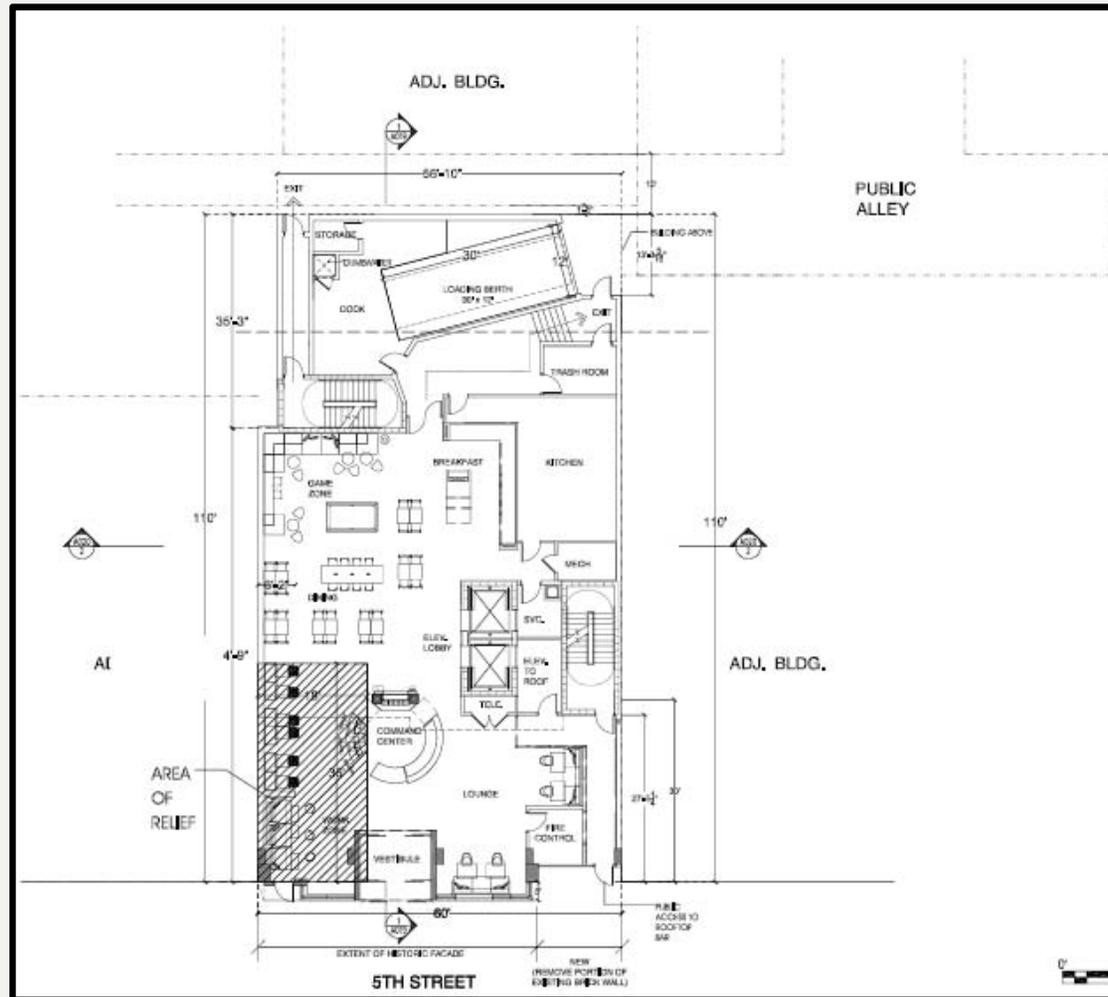
# Site Plan



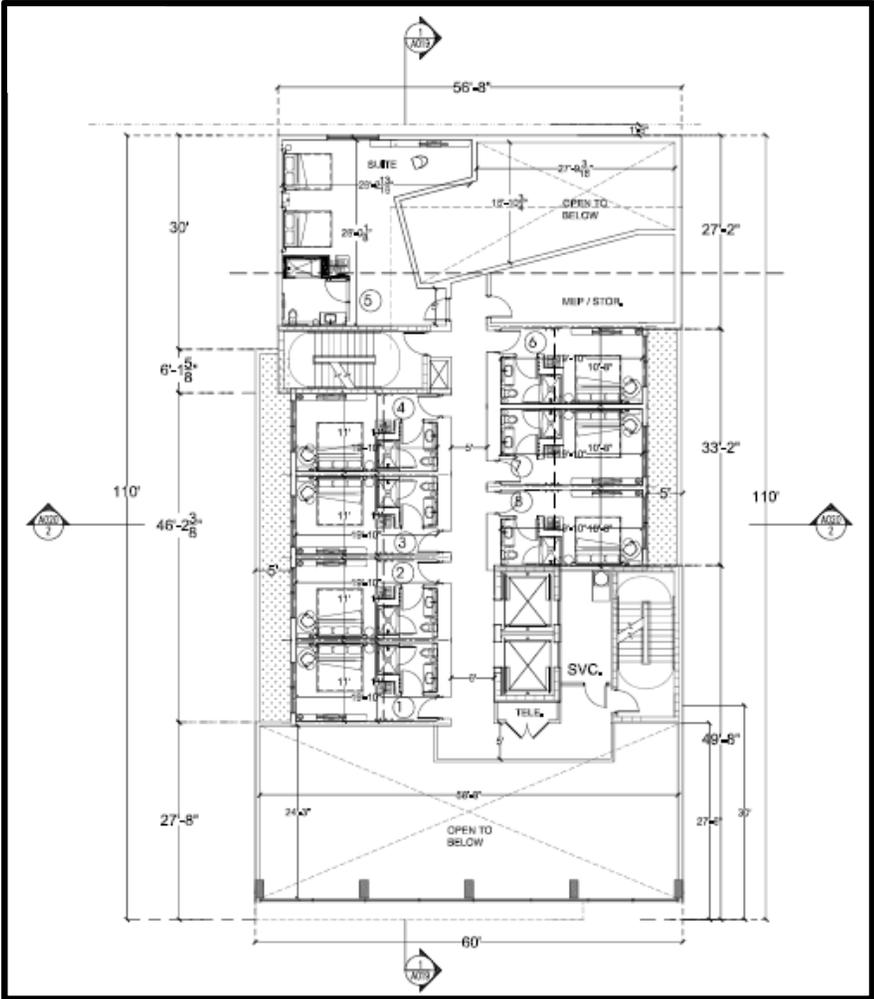
# Architectural Plans – Cellar



# Architectural Plans – Ground Floor

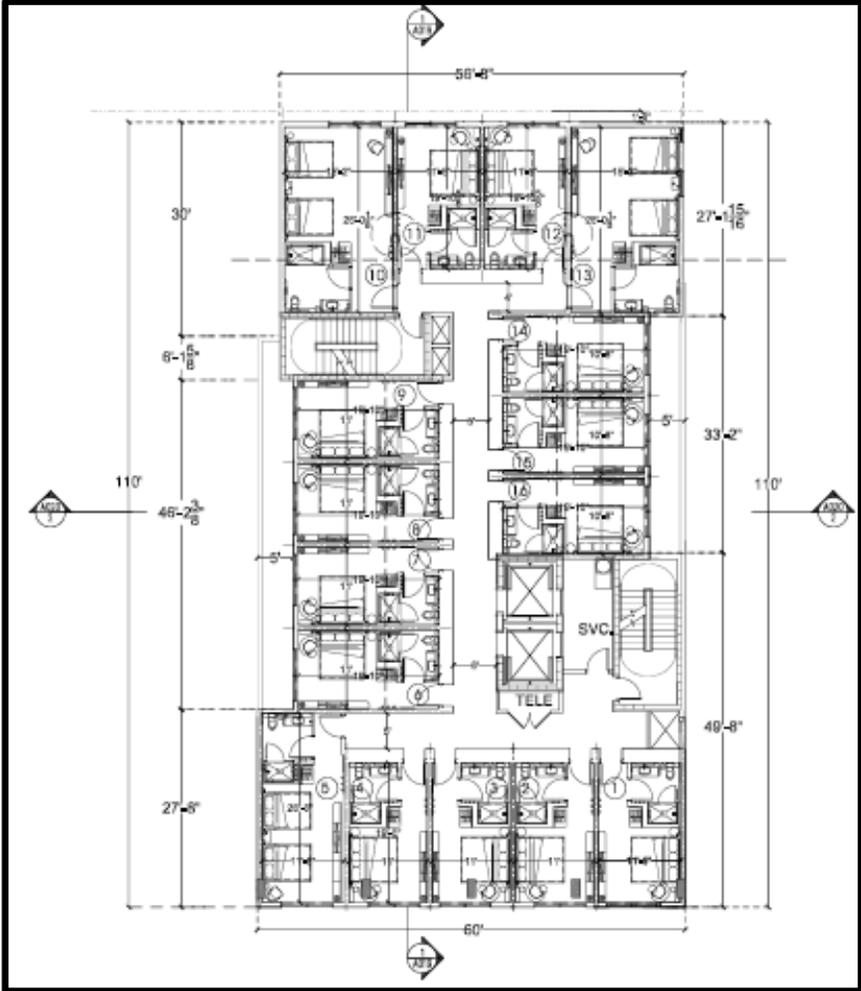


# Architectural Plans – 2nd Floor

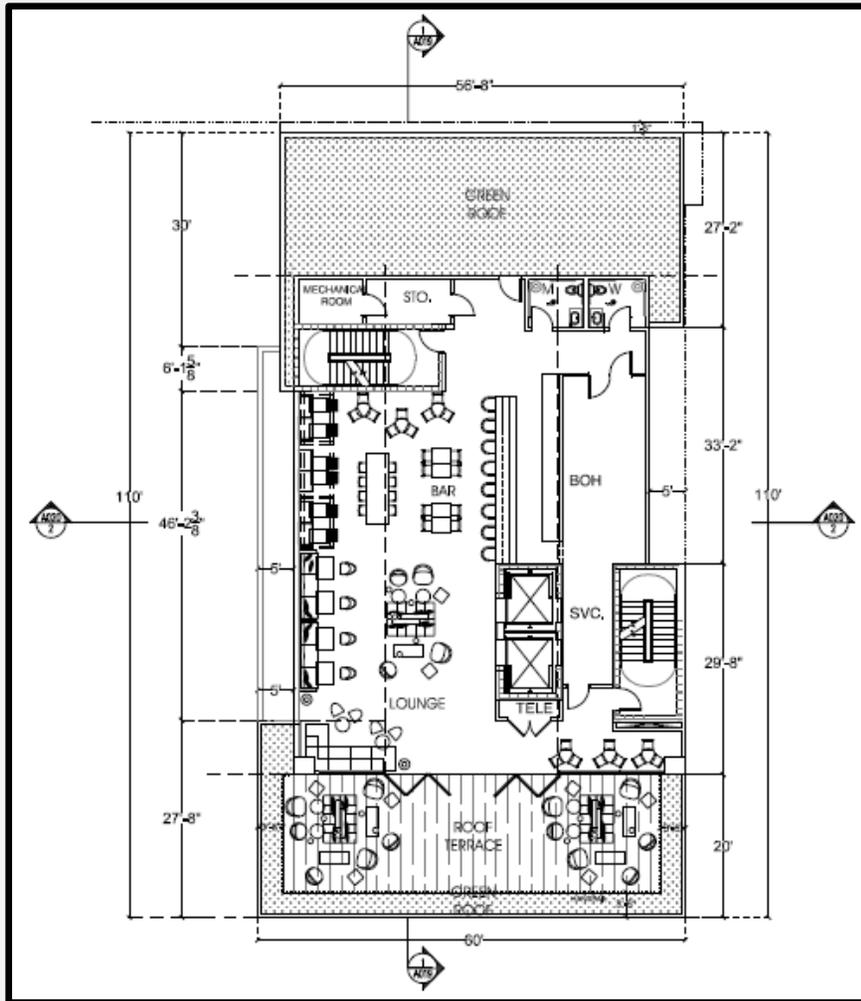


ROOM MIX SUMMARY					
LEVEL	KING	QQ	ADA	SUITE	TOTAL
LEVEL 2	7 ROOMS	0 ROOMS	0 ROOMS	1 ROOMS	8 ROOMS
TYPICAL x 9 FLOORS	14 ROOMS 108 ROOMS	2 ROOMS 18 ROOMS	2 ROOMS 18 ROOMS	0 ROOMS 0 ROOMS	16 ROOMS 144 ROOMS
TOTAL	116 KING	18 QQ	18 ADA	1 SUITES	152 TOTAL

# Architectural Plans – 3rd–11th Floors



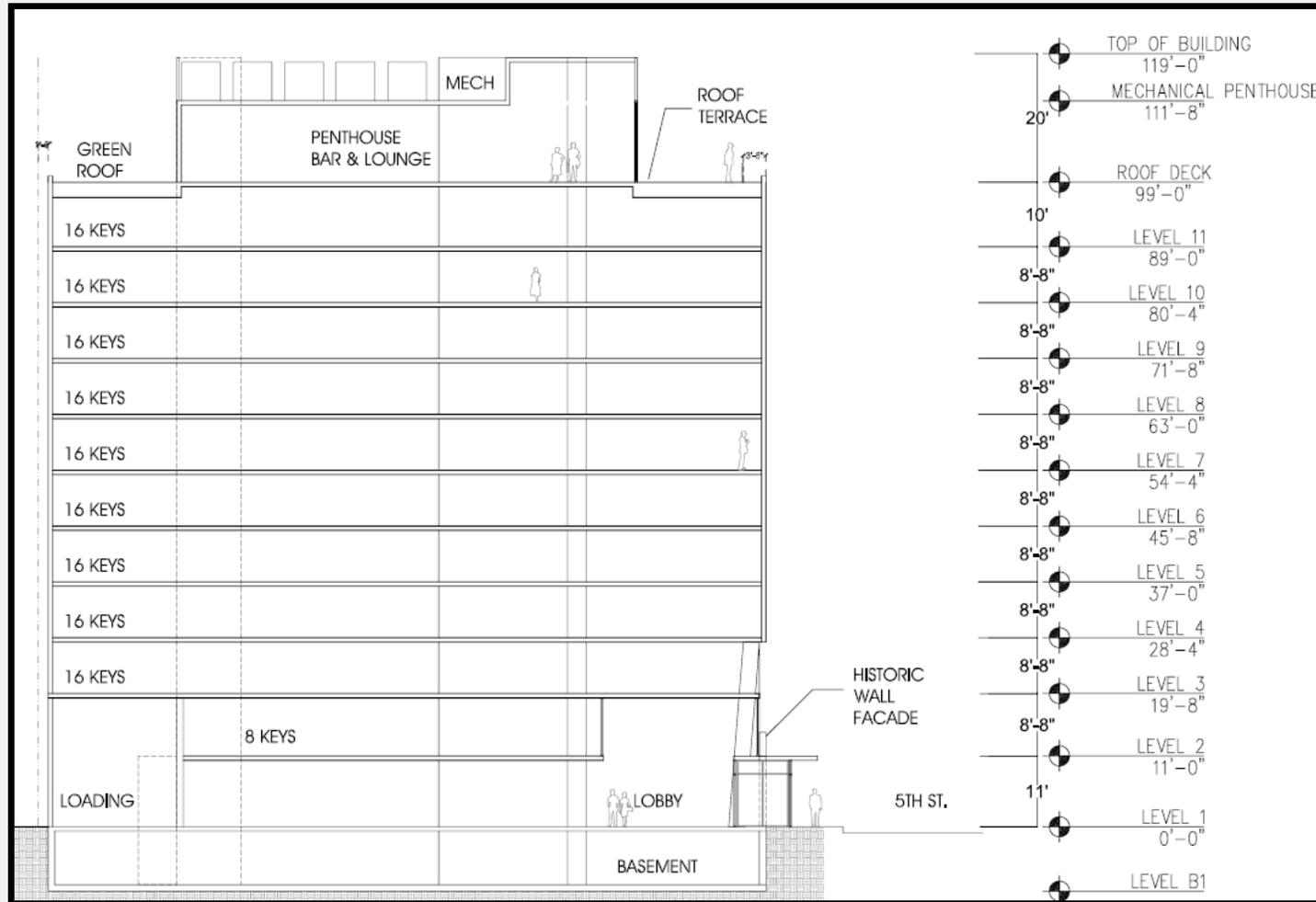
# Architectural Plans – Penthouse



- OP and ANC support proposed penthouse use
- Operational Hours:
  - Friday – Saturday until 2AM
  - Sunday – Thursday until 1AM



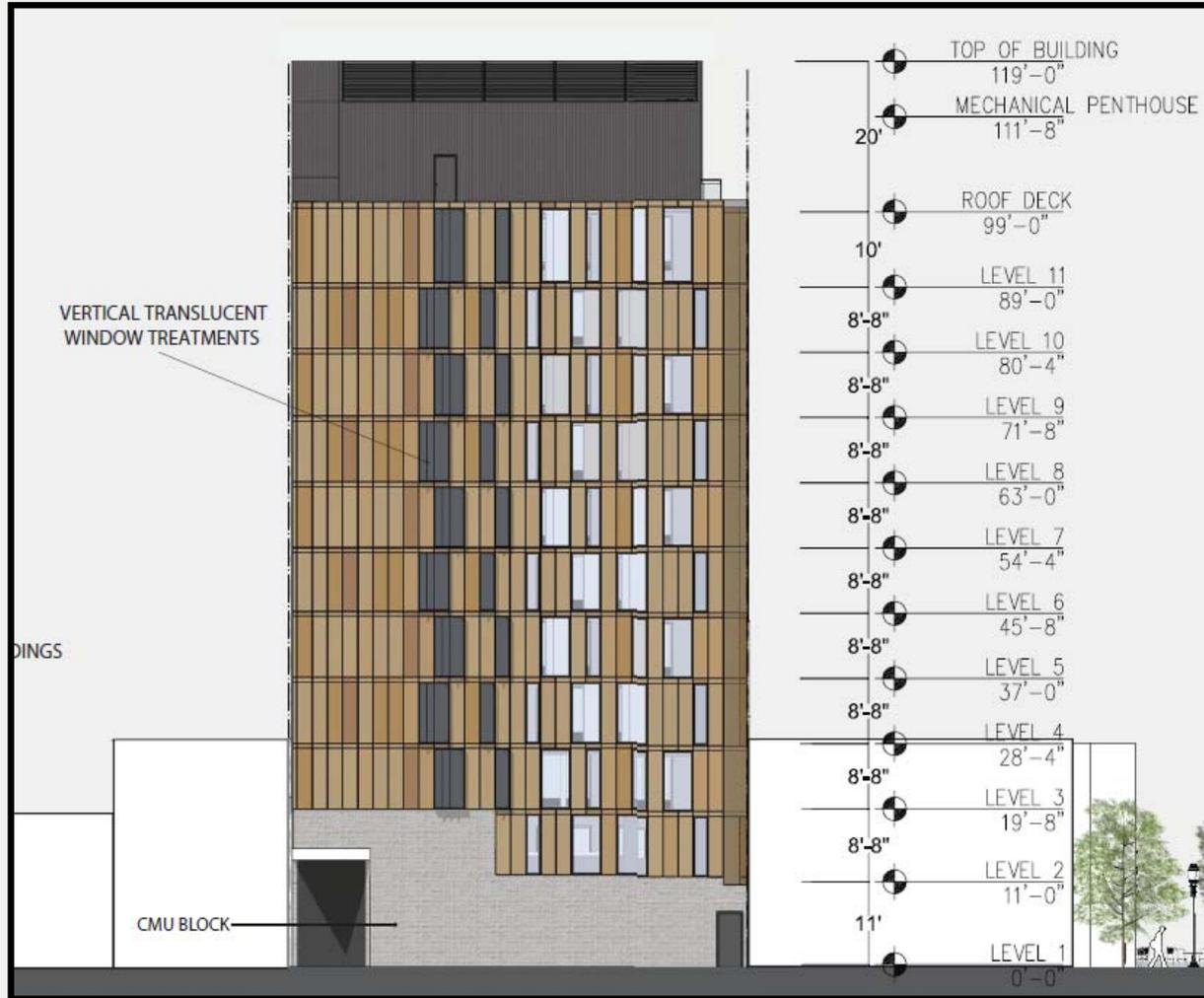
# Building Section



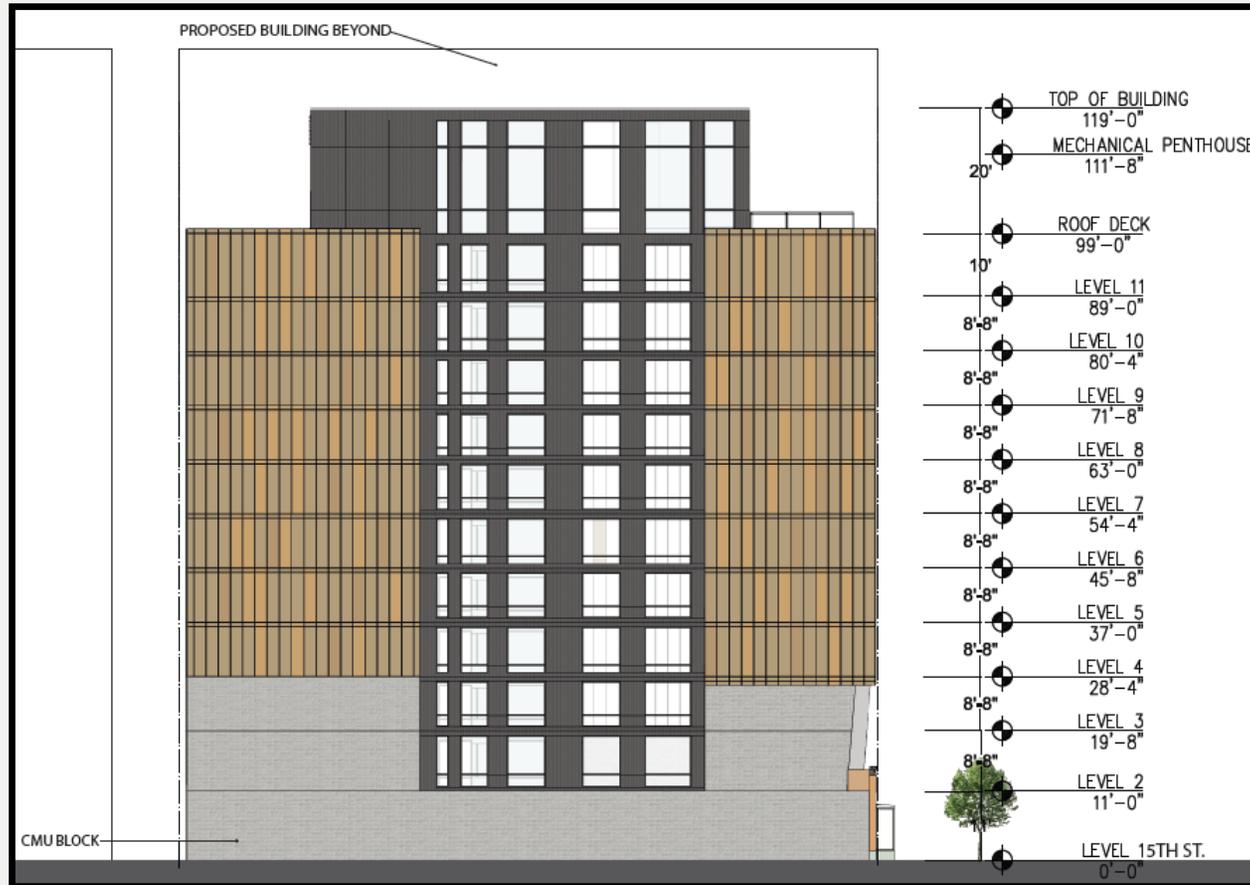
# Proposed West Elevation, 5<sup>th</sup> Street NW



# Proposed East Elevation



# Proposed North Elevation, K Street NW



# Proposed South Elevation



# Habitable Penthouse with Required Mechanical Area

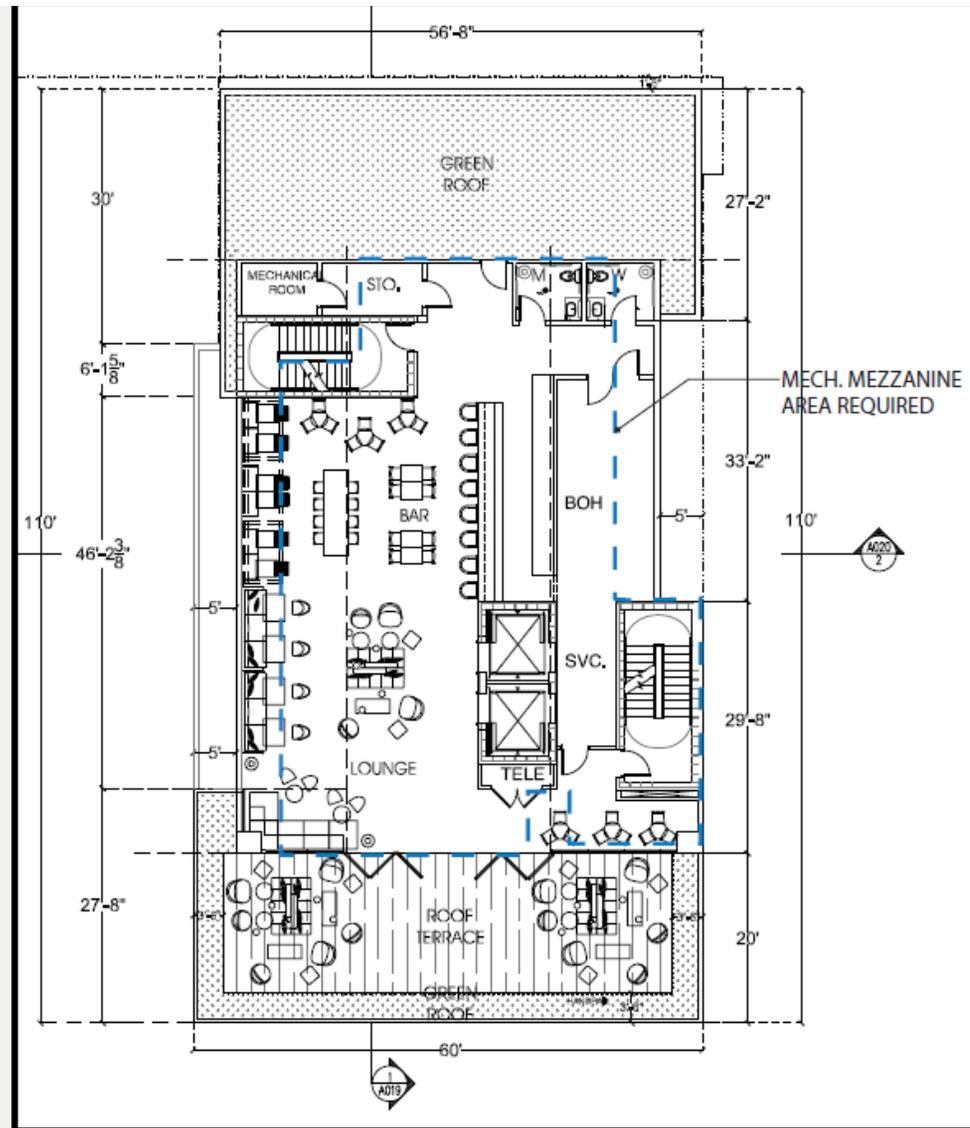
## PENTHOUSE AREA SUMMARY

HABITABLE SPACE: 3,048 SF

MECHANICAL: 55 SF

CIRCULATION/EGRESS: 588 SF

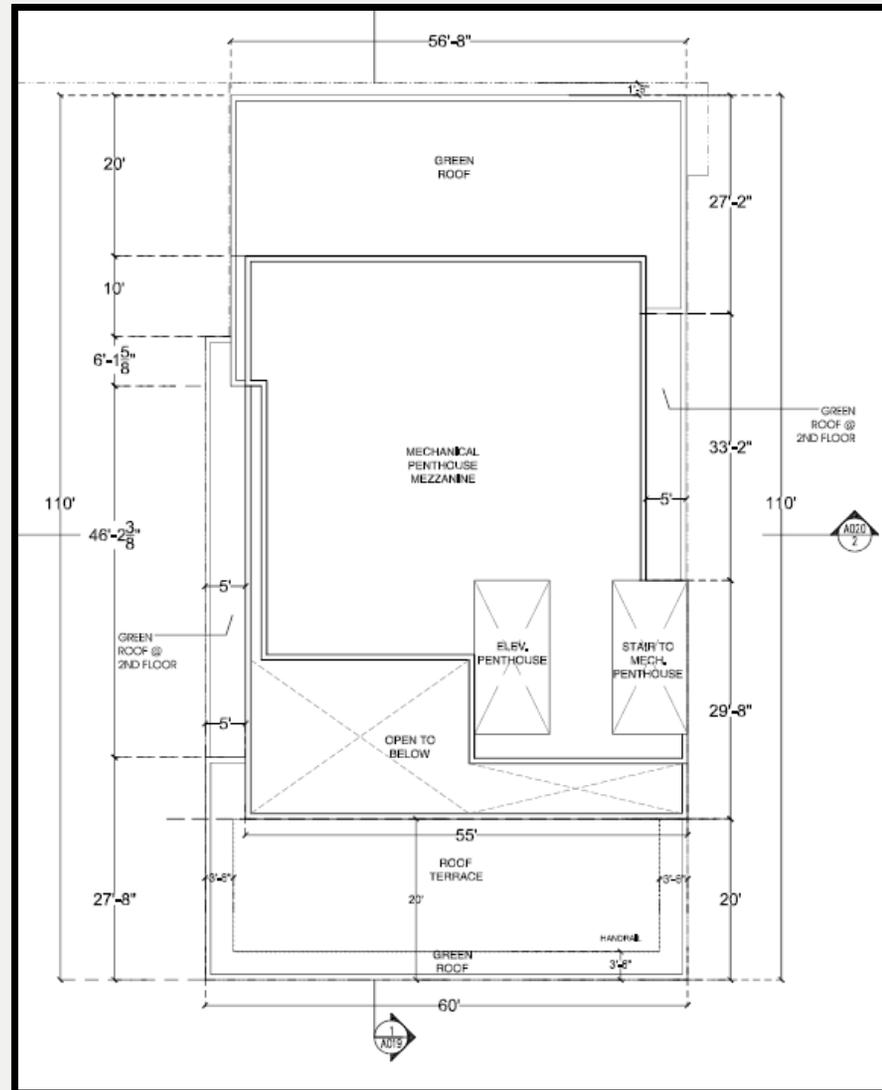
GREEN ROOF: 1,789 SF



# Proposed Mechanical Penthouse

## MECH. MEZZANINE AREA SUMMARY

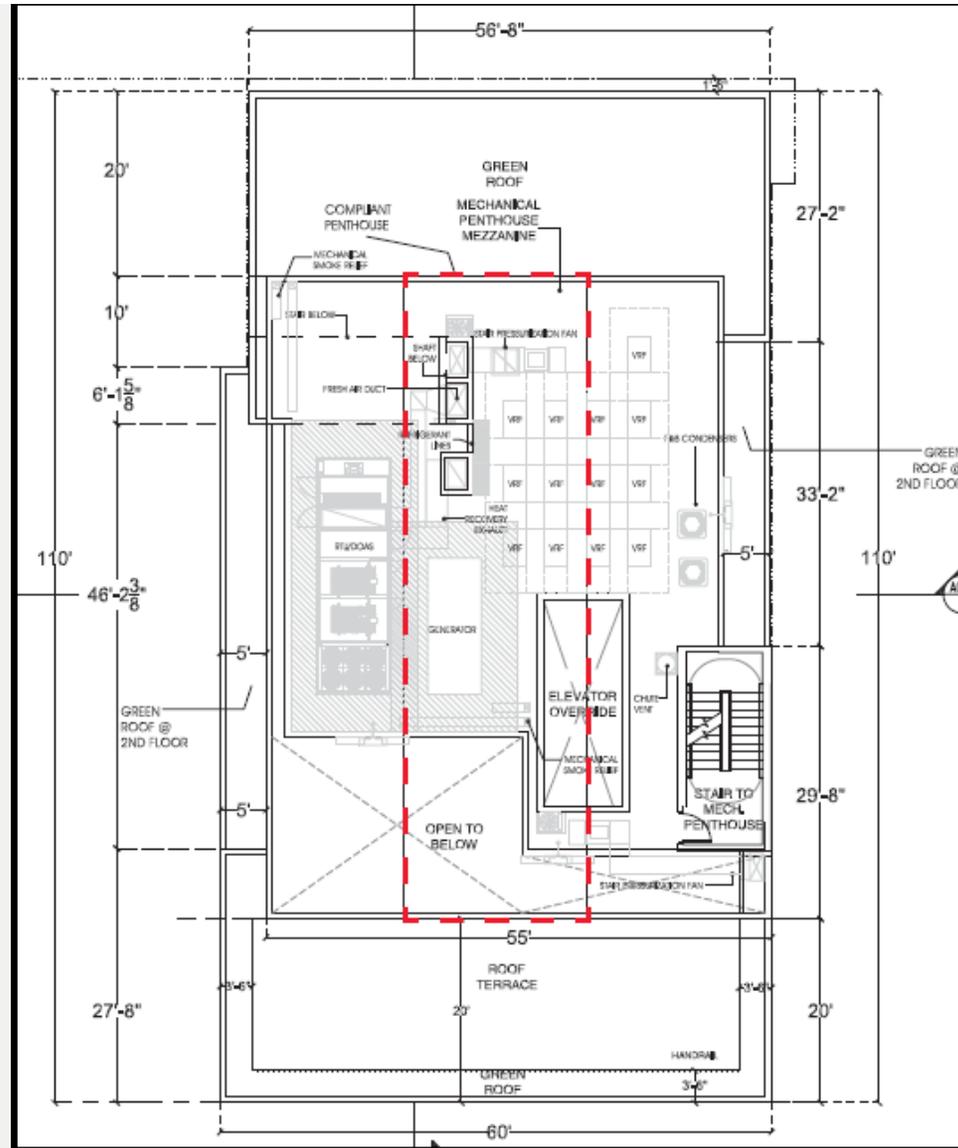
TOTAL MECH. MEZZANINE NEEDED: 2,942 SF  
 COMPLIANT PENTHOUSE MECH. MEZZANINE: 1,388 SF



# Proposed Mechanical Penthouse

## MECH. MEZZANINE AREA SUMMARY

TOTAL MECH. MEZZANINE NEEDED: 2,942 SF  
 COMPLIANT PENTHOUSE MECH. MEZZANINE: 1,388 SF

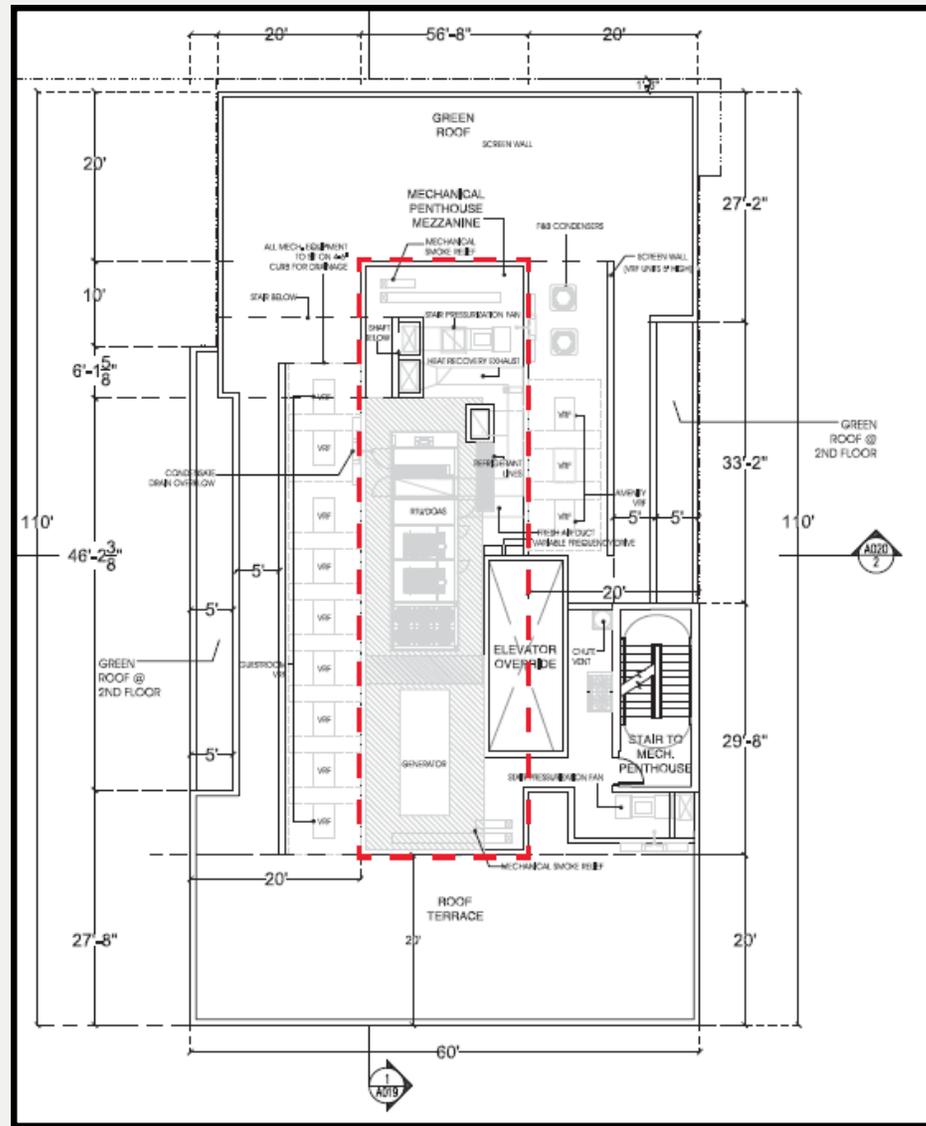


# Alternate Proposed Mechanical Penthouse

Any configuration would not meet penthouse setback requirements

## MECH. MEZZANINE AREA SUMMARY

TOTAL MECH. MEZZANINE NEEDED: 2,942 SF  
 COMPLIANT PENTHOUSE MECH. MEZZANINE: 1,388 SF



## **Expert Testimony on Land Use and Harmony with Zoning Regulations and Maps**

- Penthouse will meet the 1:1 setback from the front and rear, and will not tend to adversely affect the light and air to neighboring properties
- Restaurant and cocktail lounge use is permitted as a matter of right in the D-4-R Zone and encouraged in the MVT Sub-Area
- D-4-R Zone is intended to promote the development of high-density neighborhoods in Mount Vernon Triangle
- 100% lot occupancy is permitted in the zone

# Expert Testimony on Land Use and No Adverse Effect on Use of Neighboring Properties

## Penthouse Setback

- Fully compliant with the setback requirement from the front and rear
- Partially set-back from the sides by 5 feet,
- Buildings to the north and south, from which the penthouse does not meet the setback requirement, are significantly lower in height
- Comparable in massing and height to existing penthouses on large buildings on the square

## Penthouse Use

- Penthouse Use will be small in scale, distanced from surrounding properties, and designed to mitigate noise
- Habitable space permits the Applicant to contribute funds to a housing trust fund

## Rear Yard

- Ten-foot separation to the rear meets fire safety standards; provides light and air
- Rear yard relief will allow loading dock to be located onsite; permits deliveries and trash services through the alley instead of 5<sup>th</sup> Street NW

## **Relief Requested**

### Special Exception

- Penthouse Setback: C § 1502.1(c)(4) pursuant to C § 1504
- Penthouse Use as a Restaurant or Cocktail Lounge: C § 1500.3
- Rear Yard: C § 205.1 pursuant to I § 205.5

### Area Variance

- Loading Berth: C § 901.1
- Loading Access: C § 909.13
- Closed Court Dimensions: I § 207.1
- Floor-to-Ceiling Clearance (Mount Vernon Triangle Principal Intersection Area Sub-Area): I § 612.4

## **Penthouse Special Conditions Satisfied**

- Mechanical needs for the project dictate penthouse setback need for relief
- A compliant penthouse would be unduly restrictive:
  - Would be unreasonably narrow
  - Would not meet building code requirement for egress for lounge use
  - Would not be physically large enough to accommodate mechanical equipment
- Shifting the fire stair overruns would be unreasonable and exceptionally costly
- Relief requested results in a better design that is fluid with the character of the neighborhood and downtown zones
  - If the mechanical were enclosed in an irregularly-shaped screened penthouse, the unnatural shape would be out of character and inconsistent
- Partial set back five feet from the side lot lines, along the closed court below, promotes light and air access
- Applicant received HPRB concept approval with consent review for refinement of penthouse materials with HPO staff

# Penthouse Setback Relief

BZA Case #	Relief	Outcome	Applicant
BZA 19124	§ 411 penthouse setback	Relief granted for 110' mixed-use in Downtown (Chinatown)	Eye Street JV LLC
BZA 19390	§ C-1502.1 penthouse setback	Relief granted after additional plans provided for residential for configuration of PH with existing stair	Jason Burnett
BZA 19229	§ 411 penthouse setback	Relief granted for 79' irregularly shaped lot; mechanical PH to align with core elevator	FOTP LLC
BZA 19103	§ 411 penthouse setback	Relief granted after additional plans provided for 130' hotel on 5th Street; PH to align with core	TPC 5th & I Partners LLC
BZA 18508	§ 411 penthouse setback	Relief granted for 90' university building; PH to accommodate elevator and mechanical	Howard U
BZA 19371	§ C-1502.1 penthouse setback	Relief granted for 75' mixed-use on 14th St; PH prohibitively costly to reconfigure	14th & R Street Enterprises LLC
BZA 19244	§ 411 penthouse setback	Relief granted for residential structure; historic constraints for PH setback	Club Monaco
BZA 19363	§ C-1502.1 penthouse setback	Relief granted for residential structure; PH relocation would disrupt top floor	Zachary and Robert Bernstein
BZA 19312	§ C-1502.1 penthouse setback	Relief granted for office use in PH; setback would be unduly restrictive	Allegro II LLC
BZA 19215	§ 411 penthouse setback	Relief granted for nightclub/lounge use; PH set back from 5th Street pursuant to historic review	K Street Development Company LLC, et al.
BZA 19297	§ 771 penthouse setback	Relief granted to accommodate needed space for mechanical equipment	Thor 3000 M Street LLC
BZA 17679	§ 411 penthouse setback	Relief granted to comply with building code for stairwell and egress	Jemal's TP Land LLC
BZA 17495	§ 2001.3 penthouse setback	Relief granted to accommodate elevator location	Douglas George Jefferies

## **Rear Yard Special Conditions Satisfied**

- The Property use will be neither residential nor as an office
- 1.5-foot rear yard will increase the flow of light and air to the area behind the Property
- Vertical window treatments will add privacy for windows on the east side of the building that are directly opposite windows on the west side of the rear wing of 450 K Street NW
- Applicant entered two agreements to provide 20 valet parking spots at two parking garages in the vicinity of the Property
- Loading will be at the rear of the Property
- Applicant will request from DDOT a no-parking loading zone to accommodate guest drop-offs

## **Variance: Property is Exceptional and Unique**

- An assemblage of four lots
- Unique shape of the lot because the northern lot line jogs south and narrows the Property in the rear
- Exceptionally limited access to the alley
- Particularly narrow lot compared to the non-rowhome properties on the square
- Partially-located within the Intersection Sub-Area

# Variance: Exceptional Conditions Create Practical Difficulties

## Courts

- Courts are included to permit windows on the north and south façade. Without them there would be no habitable units in the center of the hotel
- Fresh air ducts required by the Hotel Operator would otherwise prohibitively decrease corridor dimensions
- Compliance would result in an extremely narrow building, approximately 25 feet wide, and
- Compliance would create building code violations

## Loading

- No curb cut from 5<sup>th</sup> Street NW, nor would one be approved by DDOT due to constraints of the Primary Street Segment and design requirements for the MVT Intersection Sub-Area
- The lot size constraint makes it practically impossible to provide a second, below-grade loading berth
- Two trucks are unable to access the loading berth and maneuver from the alley

## Clearance

- Strict application of the clearance requirement would result in loss of a significant portion of the third story

## **Variance: No Substantial Detriment to the Public Good**

- Courts fulfill the zone's objective of ensuring adequate separation, light and air for the Applicant's building
- Loading relief enables loading function from the alley as opposed to curbside on 5<sup>th</sup> Street NW, furthering the goal of the Sub-Area to activate the pedestrian environment on 5<sup>th</sup> Street.
- DDOT report indicates no objection to the proposed loading plan
- Hotel will add lodging in one of the busiest areas of the Historic District, in close proximity to the Washington Convention Center, Union Station, and many developments nearing completion in the area
- Allows infill of unimproved properties and activation of the streetscape
- No substantial impact to traffic, noise, or congestion of neighboring properties

## Proposed Conditions of Approval

- Interior partition locations, size, location, and number of hotel units and stairs are preliminary and shown for illustrative purposes only. Final layouts, design, interior plans, and number of hotel units may vary to the extent that such variations do not require additional relief from the Zoning Regulations and such that the variations do not change the external configuration or appearance of the building.
- Flexibility to vary the final selection of exterior materials within the color ranges of the material types and based on the availability at the time of construction, without reducing the quality of materials or intent of the original design.
- Flexibility to make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings trim, and windows or that are otherwise necessary to obtain a final building permit to the extent that such changes do not require additional relief from the Zoning Regulations and such that the variations do not change the external configuration or appearance of the building.
- The hours of operation for the Penthouse Use will be limited to 1am on Sunday-Thursday and 2am on Friday and Saturday.

**BZA Application #19722**

923 – 927 5<sup>th</sup> Street NW

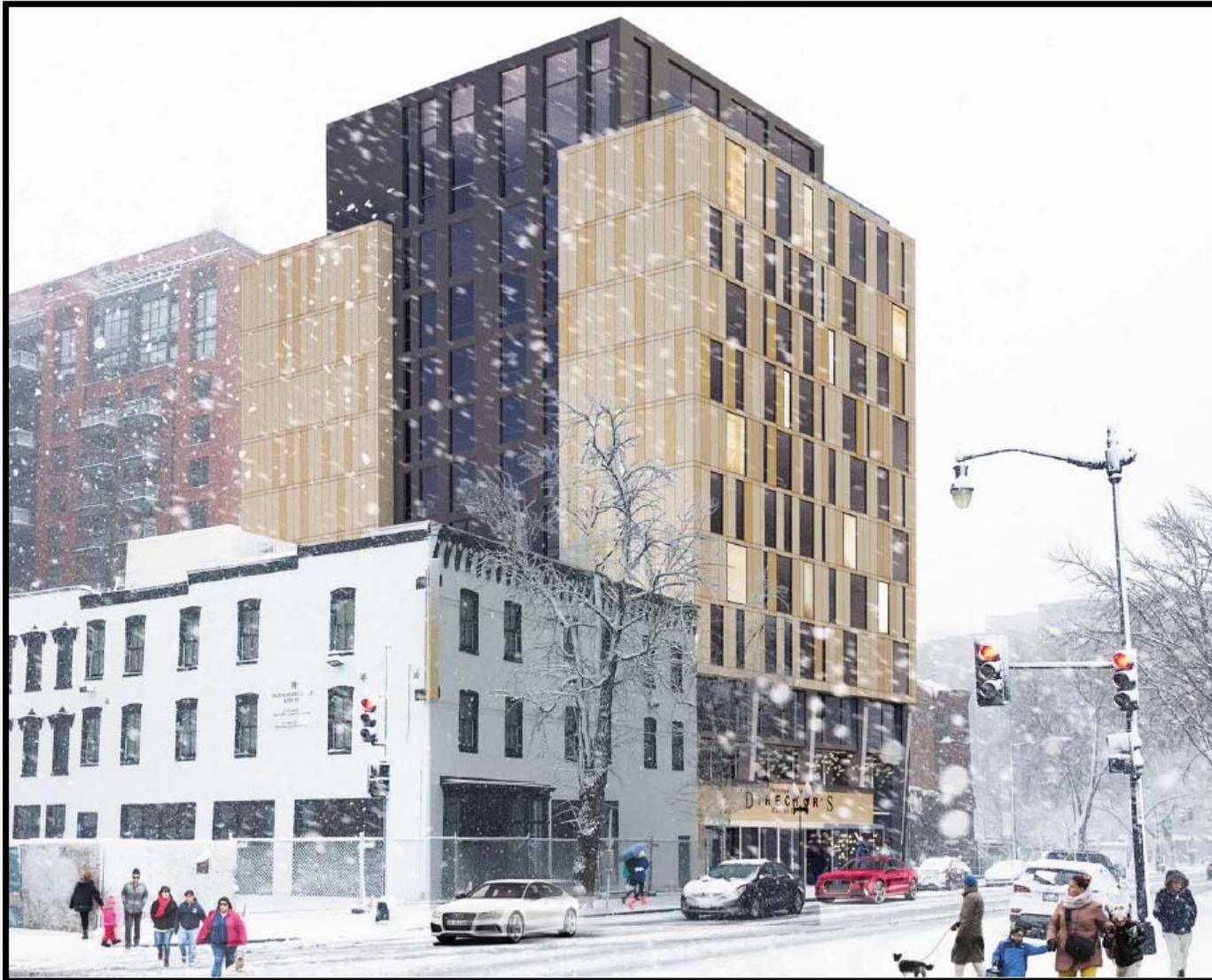
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## Existing Façade

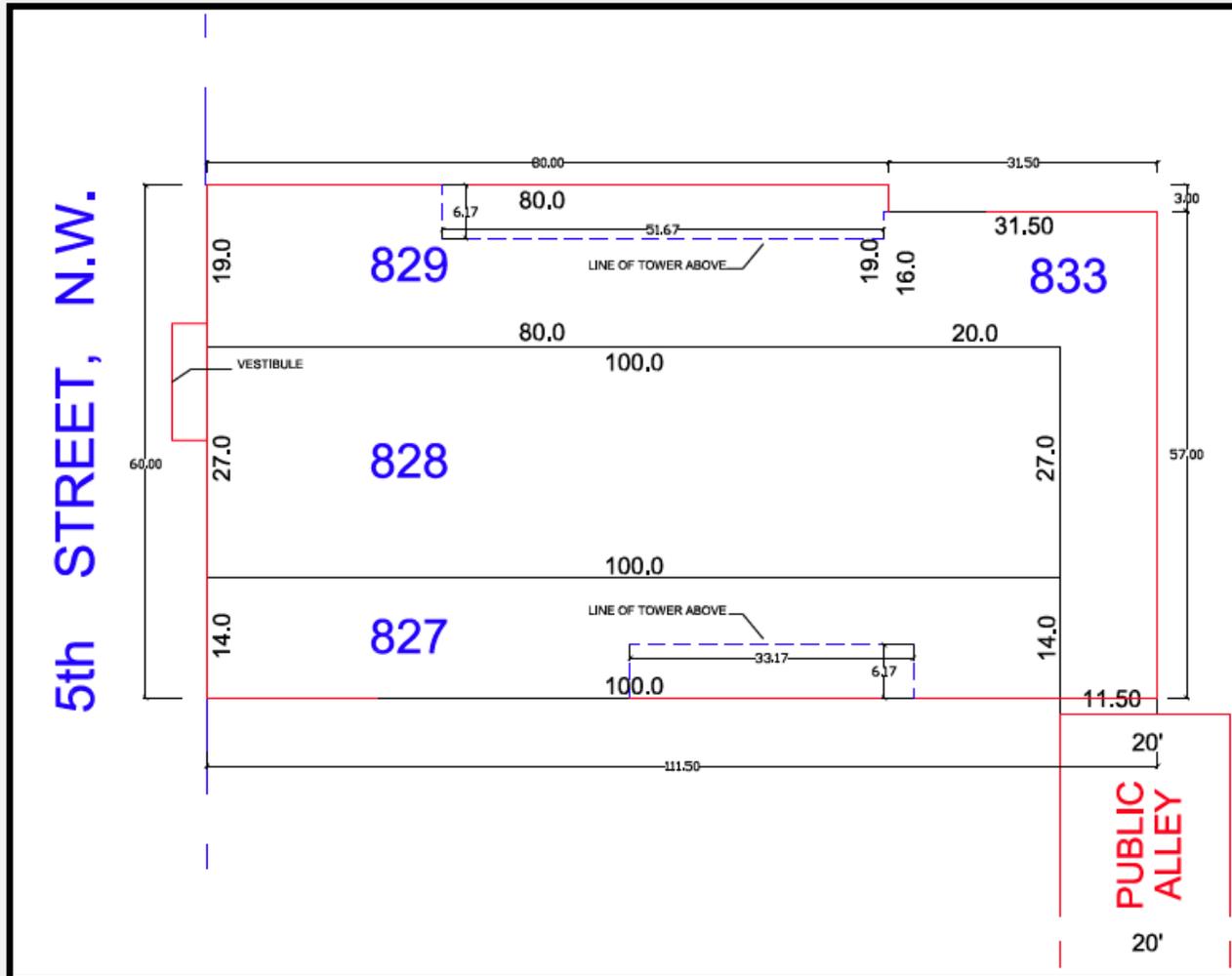


EXISTING BRICK FACADES

REMAINDER OF HISTORIC FACADE TO BE REFURBISHED TO RESTORE ORIGINAL CHARACTER.  
BAY WINDOW TO BE RESTORED AS NEW STOREFRONT.

REMOVAL OF EXISTING BRICK WALL DUE TO LACK OF HISTORIC INTEGRITY

# Plat





# Loading Diagram

