



March 30, 2022

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**Re: BZA Case No. 20666
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant 1644 North Capitol, LLC, please find enclosed the Prehearing Statement for the above-referenced case. We look forward to presenting the application to the Board of Zoning Adjustment on April 20, 2022. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A blue ink signature of Eric DeBear, consisting of a stylized 'E' and 'D' followed by a horizontal line.

Eric DeBear

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2022 a copy of the foregoing Prehearing Statement was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Brandice Elliott
1100 4th Street SW, Suite E650
Washington, DC 20024
Brandice.Elliott@dc.gov

Advisory Neighborhood Commission 5E
c/o Karla Lewis, SMD Commissioner
5E06@anc.dc.gov


Eric DeBear

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

**APPLICATION OF
1644 NORTH CAPITOL, LLC**

BZA CASE NO. 20666

APPLICANT'S PREHEARING STATEMENT

I. EXECUTIVE SUMMARY AND NATURE OF RELIEF SOUGHT

This prehearing statement is submitted on behalf of the Applicant, 1644 North Capitol LLC (the "Applicant"), the owner of the property located at 1634 North Capitol Street NW (Square 3101, Lot 118) (the "Property"), in support of its application for special exception relief, pursuant to Subtitle X § 901.2, to have an eating and drink establishment in a penthouse under Subtitle C § 1501.1(d).

II. CLARIFICATION ON RELIEF SECTION

Since the Applicant filed the subject application, Subtitle C, Chapter 15 of the Zoning Regulations governing penthouses was re-organized pursuant to a text amendment under Zoning Commission Case No. 14-13E. Accordingly, the Applicant wishes to update its self-certification form to reflect the new subsection of relief under Subtitle C § 1501.1(d). *See **Tab A***. The Applicant's proposal has not changed and the Applicant continues to seek special exception relief for an eating and drinking establishment use in a penthouse.

III. ADDITIONAL ARCHITECTURAL PLANS

The Office of Planning requested the Applicant to file additional architectural plans for the penthouse. Accordingly, the Applicant has enclosed two sheets from the plan set approved with Building Permit #B2008363 (the "Building Permit") for the by-right hotel. *See **Tab B***. Sheet A-125 shows the penthouse with more detailed dimensions and Sheet E105 is the penthouse lighting plan.

The Applicant will continue to work with the Office of Planning leading up to the hearing date, including as to any conditions the Office of Planning may propose.

IV. HOTEL DRIVEWAY

The Office of Planning also raised a question regarding the hotel's circular driveway proposed along North Capitol Street. The circular driveway is depicted in the architectural plan set approved with the Building Permit. While the Applicant asserts the driveway is not germane to this special exception request for a penthouse restaurant, the Applicant acknowledges that it will work with DDOT's Public Space Committee regarding any public space issues pertaining to the by-right hotel project.

V. COMMUNITY OUTREACH

After filing the application, the Applicant has engaged in significant community outreach. The Applicant has attended and presented at the following meetings:

January 4, 2022: ANC 5E Zoning Committee
January 18, 2022: Full ANC 5E
February 8, 2022: SMD Meeting with Commissioner Lewis
March 15, 2022: Full ANC 5E
March 21, 2022: Bloomingdale Civic Association

At the ANC's March 15th meeting, the ANC voted unanimously (with one abstention) to support the subject application.

VI. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings as well as the reasons discussed at the Board's hearing, the Applicant submits that the application meets the requirements for special exception relief. The Applicant respectfully requests that the Board approve the application on April 20, 2022.

Respectfully submitted,
COZEN O'CONNOR



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