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September 19, 2018

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BY ELECTRONIC (IZIS) AND HAND DELIVERY

District of Columbia Board of Zoning Adjustment
441 4th Street, NW
Second Floor
Washington, DC 20001

Re: Board of Zoning Adjustment Order No. 19583
Jemal's East 451 L.L.C.
Request for Minor Modification
Square 451, Lots 23, 24, 25, 822, 823 (the "Property")

Dear Members of the Board:

On behalf of Jemal's East 451 L.L.C., owner of the above-referenced Property (the "Owner"), we submit this request for minor modification, pursuant to 11-Y DCMR §703.6, to the architectural drawings that were approved as part of the Board's grant of a special exception to allow rooftop use as a restaurant/bar/lounge/nightclub in Order No. 19583. This modification request is made pursuant to the Board's authority established in 11-Y DCMR §703.1, which allows the Board to approve technical corrections, minor modifications and modifications of consequence without a public hearing.

I. BACKGROUND

By Order No. 19583, dated December 5, 2017 (the "BZA Order") (Exhibit A), the Board approved a special exception request by the Owner, pursuant to Subtitle C Section 1500.3(c) and Subtitle X Chapter 9 of the Zoning Regulations (11 DCMR), to authorize use of the penthouse of a new hotel to be constructed on the Property for restaurant, lounge, nightclub, or bar uses. No additional areas of zoning relief were requested by the Owner to allow construction of the 13-story hotel at the northwest quadrant of the intersection of 6th and K Streets, NW, in downtown Washington. Advisory Neighborhood Commission 6E was the only other party to Application No. 19583, and the ANC unanimously recommended support of that application.

As a result of design development of the hotel project undertaken subsequent to the Board's approval, the Owner has made a number of minor revisions to the architectural drawings that

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were approved by the Board as referenced in the BZA Order. These revisions are discussed below and are identified in the attached set of revised and comparative drawings (Exhibit B). For ease of reference, proposed changes to the approved plans are highlighted by red boxes. While these revisions are each individually minor in scope and do not create any new areas of noncompliance under the Zoning Regulations, some modifications are nonetheless beyond the scope of the Zoning Administrator's approval authority as established in Subtitle A Section 304.10 and are more appropriately reviewed and approved by the Board, pursuant to Subtitle Y Section 703. These modifications to the drawings do not change the material facts upon which the Board based its original approval and therefore are appropriately considered "minor modifications" pursuant to Subtitle Y Section 703.3.

II. MINOR MODIFICATION REQUESTED

Minor modification approval is requested to authorize several minor design refinements, all as identified in the set of revised architectural drawings attached as Exhibit B. These refinements are the product of further design development following the original approval by the Board, including compliance with the District of Columbia Construction Codes (12 DCMR). They do not change the use of the penthouse from the approval granted by the Board nor do they create any new noncompliance with the Zoning Regulations. The proposed refinements include the following:

- A. Portion of south façade moved forward toward K Street, NW, resulting in slight increase in building gross floor area (approximately 2,900 square feet) and overall building density
- Sheets A001, A002, A004, A010, A011, A012;
- B. Redesign and relocation of corner entry/vestibule and along K Street frontage
- Sheets A003, A004, A007 through A011, A014, A015, A018 through A022;
- C. Redesign of building penthouse. One-story, eighteen-foot tall penthouse replaced by one-story-plus mezzanine, twenty-foot tall penthouse. Increase in gross floor area of approximately 150 square feet. Increase in amount of green roof of approximately 210 square feet. One-t-one setbacks provided
- Sheets A003, A004, A012 through A015, A017 through A022;
- D. Additional cellar level provided to include additional retail
-Sheets A005, A006, A014; and
- E. Redesign of bay window projections along 6th Street, NW, frontage to comply with overall projections limitations established in Construction Codes
- Sheets A004, A010, A011, A012, A013, A018 through A022.

III. THE REQUEST FOR MINOR MODIFICATION MEETS THE STANDARDS OF 11-Y DCMR § 703, AND NO HEARING IS NECESSARY

Subtitle Y, Section 703, of the Zoning Regulations provides for an expedited "Consent Calendar" procedure, in the interest of efficiency, for minor modifications, modifications of consequence, and technical corrections to previous approvals without need for a public hearing.

The modifications requested here do not constitute a substantial change to the original approval of the Board nor do they create any new noncompliance with the Zoning Regulations. The Board's original approval granted special exception to allow the building's penthouse to be utilized for restaurant, lounge, bar or nightclub uses with certain conditions in terms of operating hours and noise. The requested redesign of the penthouse, which increases only nominally the amount of gross floor area of the penthouse and increases the amount green roof provided over the design originally approved by the Board, will have no discernable impact on the operation of the penthouse use and is thus appropriate for approval as a minor modification. The remainder of the proposed redesigned elements have no relationship at all to the underlying Board approval.

The only party to the original application other than the Owner was ANC 6E, which ANC unanimously recommended support of the original application. The Owner has informed the ANC of this request for modification and intends to meet with the ANC at its next monthly meeting.

V. CONCLUSION

In light of this demonstration of good cause and for the reasons stated herein, the Owner respectfully requests approval of its request for minor modification to revise reference to the approved plans in the BZA Order to the set of architectural plans attached hereto as Exhibit B. Thank you for your consideration of these materials.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Dennis R. Hughes

Attachments

cc: Advisory Neighborhood Commission 6E
DC Office of Planning

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2018, a copy of this request for minor modification to Board of Zoning Adjustment Order No. 19583 was served by First Class Mail on the following in accordance with 11-Y DCMR § 703.8.

Advisory Neighborhood Commission 6E
P.O. Box 26182
Ledroit Park Station
Washington, DC 20001



Dennis R. Hughes