

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

**APPLICATION OF  
1644 NORTH CAPITOL LLC**

**ANC 5E06**

**STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

This 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 and Subtitle C § 1500.3(c), to have a restaurant use on the penthouse level of a by-right hotel in the MU-4 zone (the “Project”).

**II. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

**III. BACKGROUND**

**A. The Property and the Surrounding Neighborhood**

The Property is in the MU-4 Zone District and has a lot area of 11,723 sq. ft. A copy of the zoning map is attached at **Tab A**. As explained in more detail below, the Applicant is currently constructing a by-right hotel development at the Property. The Property is located in the Bloomingdale Historic District at the corner of North Capitol Street NW and Quincy Place NW. To the west of the Property is an alley that is 12'2" in width (the “Alley”), with rowhomes beyond the Alley along Quincy Place. To the north of the Property are homes that front on R Street NW as well.

The Property is just one block to the north of the intersection of North Capitol Street NW and Florida Avenue NW. The area around this intersection is rapidly evolving with new mixed-use projects. To that end, the Zoning Commission has approved PUD projects at the northwest corner of the intersection (ZC Case No. 06-04) and to the east on Florida Avenue (ZC Case No. 12-02). At the southeast corner of the intersection, the Exxon gas station was recently demolished to make way for a new mixed-use development. Outside of the MU-4 zone where the Property is located, Bloomingdale is predominantly a residential neighborhood with attached rowhomes, including the RF-1 zone to the west and northwest of the Property.

## **B. Traffic Conditions and Mass Transit**

The Property has excellent access to public transportation. There are numerous bus stops one block from the Property at the intersection of North Capitol and Florida Avenue, including for lines 80, P6, 90 and 92. Additionally, the NoMa Metrorail Station is approximately 0.5 miles from the Property. There is also a Capital Bikeshare directly across the street from the Property, and another station just three blocks to the north.

## **C. The Project**

In June 2021, the Applicant obtained Building Permit #B2008363 (the “Building Permit”) to construct the by-right, mixed-use Project. The Project, which is under construction, will be a four-story, 97-room hotel with a ground level restaurant use. The Project will include a by-right penthouse level with habitable space. The architectural plans for the Project, including the penthouse level, are attached at **Tab B**. Although the penthouse structure is by-right, the Applicant seeks special exception relief in order to have a restaurant use on the penthouse level.

The penthouse will have approximately 1,208 sq. ft. of gross floor area, with 632 square feet dedicated to the subject restaurant use (the “Restaurant Space”). *See Tab B.* The remainder

of the penthouse level will be used for two hotel guest rooms, a stairwell, and elevator core, which are not the subject of this application.<sup>1</sup> Under Subtitle C § 1500.3, a penthouse may have “any use permitted within the zone.” Since a hotel use is permitted in the MU-4 zone, zoning relief is not needed for that portion of the penthouse. As authorized by the Building Permit, the penthouse structure will be 15 feet and two stories and meet the required setbacks. The Applicant has already paid into the Housing Production Trust Fund, as required by Subtitle C § 1505.

The Applicant’s proposed restaurant use will incorporate seated dining and small bar area. The seated dining will be located toward the front of the penthouse facing North Capitol Street, with the bar located on the western (rear) side of the penthouse. Patrons will be able to walk onto the roof level through doors on each side of the Restaurant Space.

#### **IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW**

The Applicant requests special exception relief to have a restaurant use on the penthouse level of the Project. Under Subtitle C § 1500.3, a restaurant use in a penthouse is permitted by special exception if approved by the Board under Subtitle X, Chapter 9.

Pursuant to D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements

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<sup>1</sup> Under Subtitle C § 1500.3, a penthouse may house “any use permitted within the zone.” Since a hotel use is permitted in the MU-4 zone, zoning relief is not needed for that portion of the penthouse.

for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment*, 837 A.2d 58, 68 (D.C. 2003); *see also Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

## **V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF**

### **A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps**

The special exception relief will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The MU-4 zone is intended for moderate-density mixed-use development that provides facilities for shopping, business, housing and other uses outside the city’s central core. *See Subtitle G § 400.3*. The Restaurant Space is consistent with this intent because it will provide a community amenity in a mixed-use hotel development and will complement other uses along the nearby North Capitol Street and Florida Avenue corridors. The Project and the Restaurant Space are appropriate given the Property’s frontage on North Capitol Street, which is a 130-foot-wide principal arterial street. Further, the penthouse structure is consistent with the dimensional requirements governing penthouses in the MU-4 zone.

### **B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property**

The Restaurant Space will not adversely affect the use of neighboring property. Importantly, the Restaurant Space will not directly abut any neighboring properties. To the west, neighboring homes on Quincy Place and R Street will be separated from the Project and the Restaurant Space by the Alley and the Project’s rear yard. To that end, the Project is designed in a “tiered” fashion so that the third and fourth stories have a greater setback from the Alley than the

first two stories.<sup>2</sup> As such, the rear roof wall is setback 15 feet from the Property line along the Alley. In total, the Alley (12'2"), the rear yard (15'), thus the penthouse is buffered by almost 40 feet between the Restaurant Space and the nearest homes on Quincy Place and R Street.

In terms of privacy, the homes to the west are located in the RF-1 zone and are two- or three-story structures. The Project will be constructed to four stories, with the Restaurant Space above the roof of the fourth story. Due to the differences in height, there will be no direct sight lines from the Restaurant Space to nearby residences.

For neighboring properties to the north, the by-right Project includes two guest rooms and a stairwell/elevator core that will be located on the northern side of the penthouse. These non-restaurant penthouse uses are entirely by-right and not the subject of this application. The hotel rooms located in the penthouse will buffer the Restaurant Space from the residences to the north. Accordingly, the Restaurant Space will not adversely affect those residences.

To the south of the Restaurant Space is the historic fire station that and the Quincy Place right-of-way. As noted, the historic fire station does not have a penthouse level as it cannot be externally altered. To the east of the Project and the Restaurant Space is North Capitol Street NW, a 130-foot-wide right-of-way that provides substantial buffer from neighboring properties.

In sum, the Restaurant Space will be substantially setback and buffered from all neighboring properties by public rights-of-way or other programming in the Project. As such, the Restaurant Space will not adversely affect neighboring property owners.

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<sup>2</sup> In the MU-4 zone, rear yard is measured from the centerline of an adjacent alley for the first 20 feet of a building. Above the 20-foot plane, rear yard is measured from the rear lot line. *See Subtitle G § 405.4-405.5.*

#### **IV. COMMUNITY OUTREACH**

In accordance with ANC 5E's procedures and guidelines, the Applicant contact ANC 5E after the application is filed. The Applicant will formally present the application to ANC 5E at its next available public meeting.

#### **V. SUMMARY OF WITNESS TESTIMONY**

Syga Thomas, a representative of the Application, will testify regarding the proposed project and community outreach. Armstrong Kassa of SGA Cos. will testify as to the architectural and design elements of the project. The Applicant reserves the right to add witnesses or expert witnesses as necessary.

#### **VI. CONCLUSION**

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,

COZEN O'CONNOR

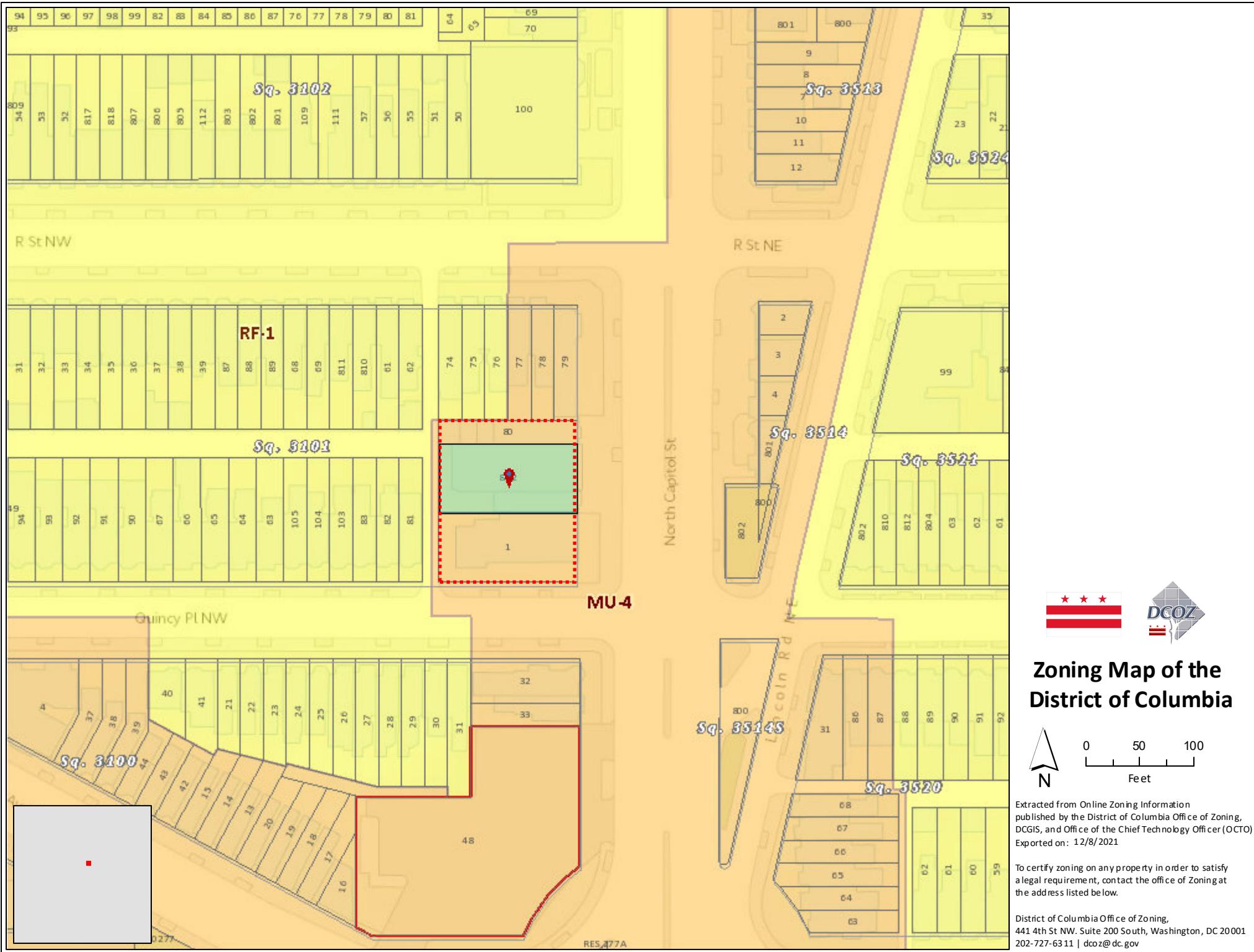


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1200 19<sup>th</sup> Street NW  
Washington, DC 20036

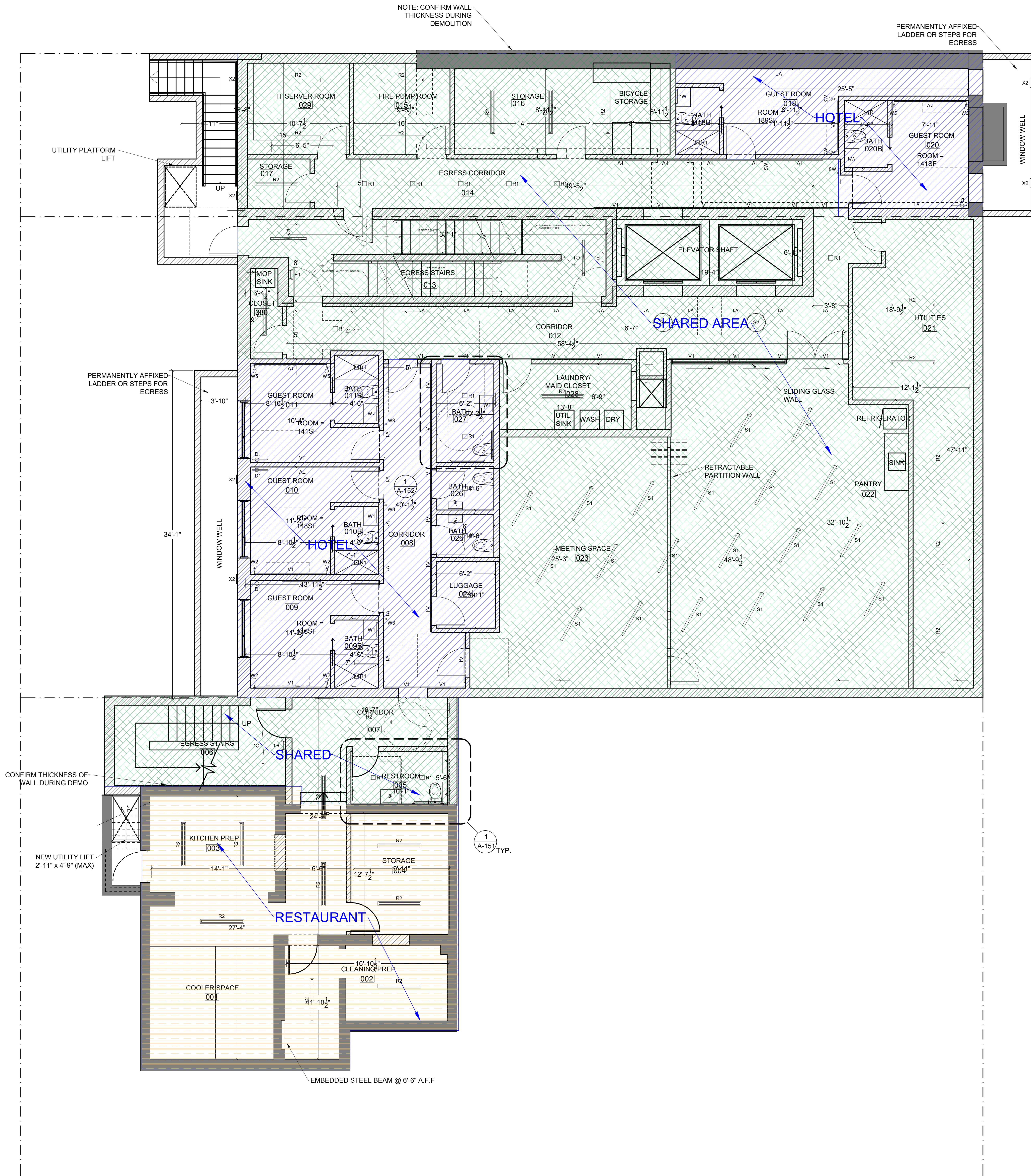


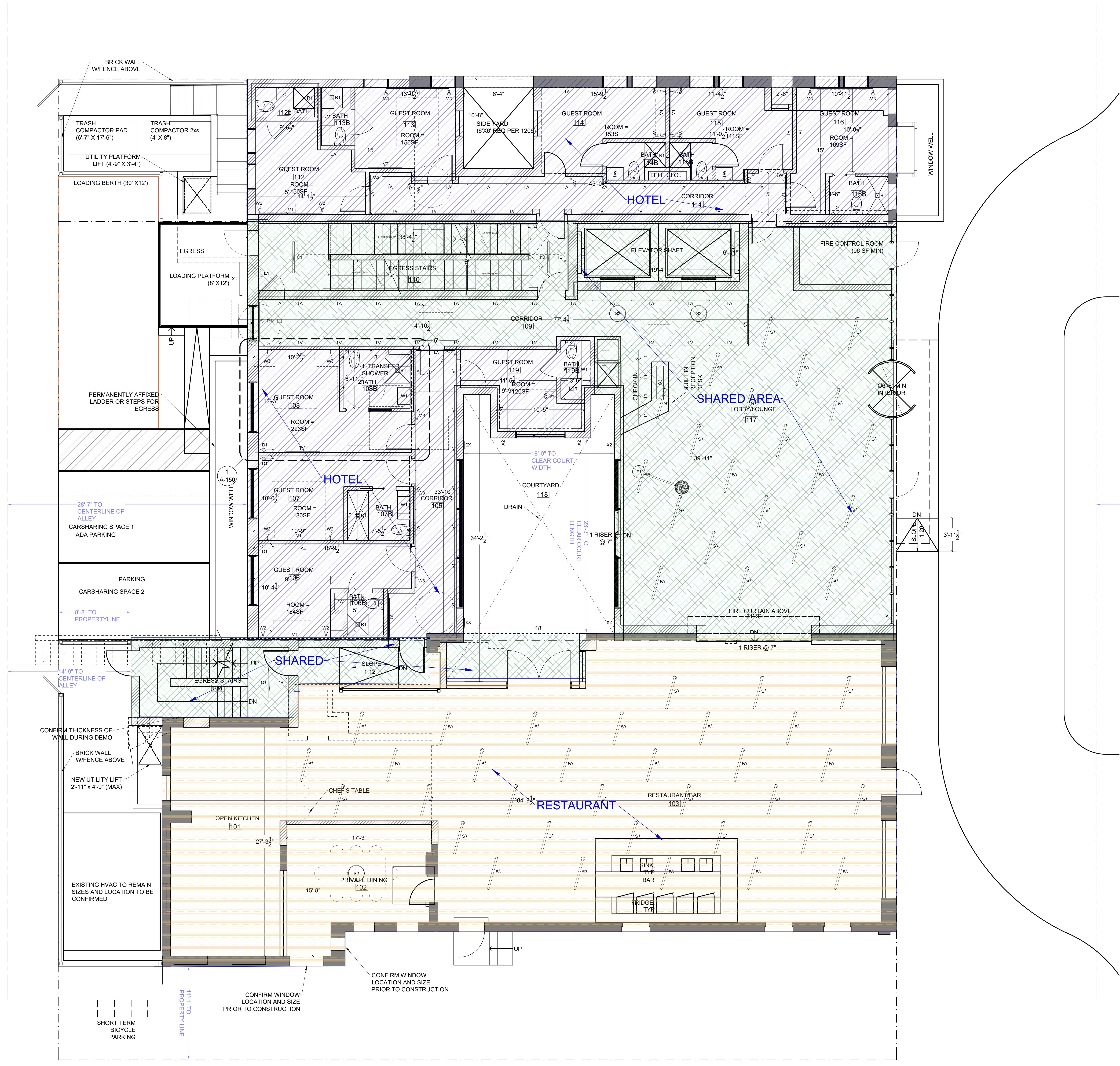
Eric J. DeBear  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

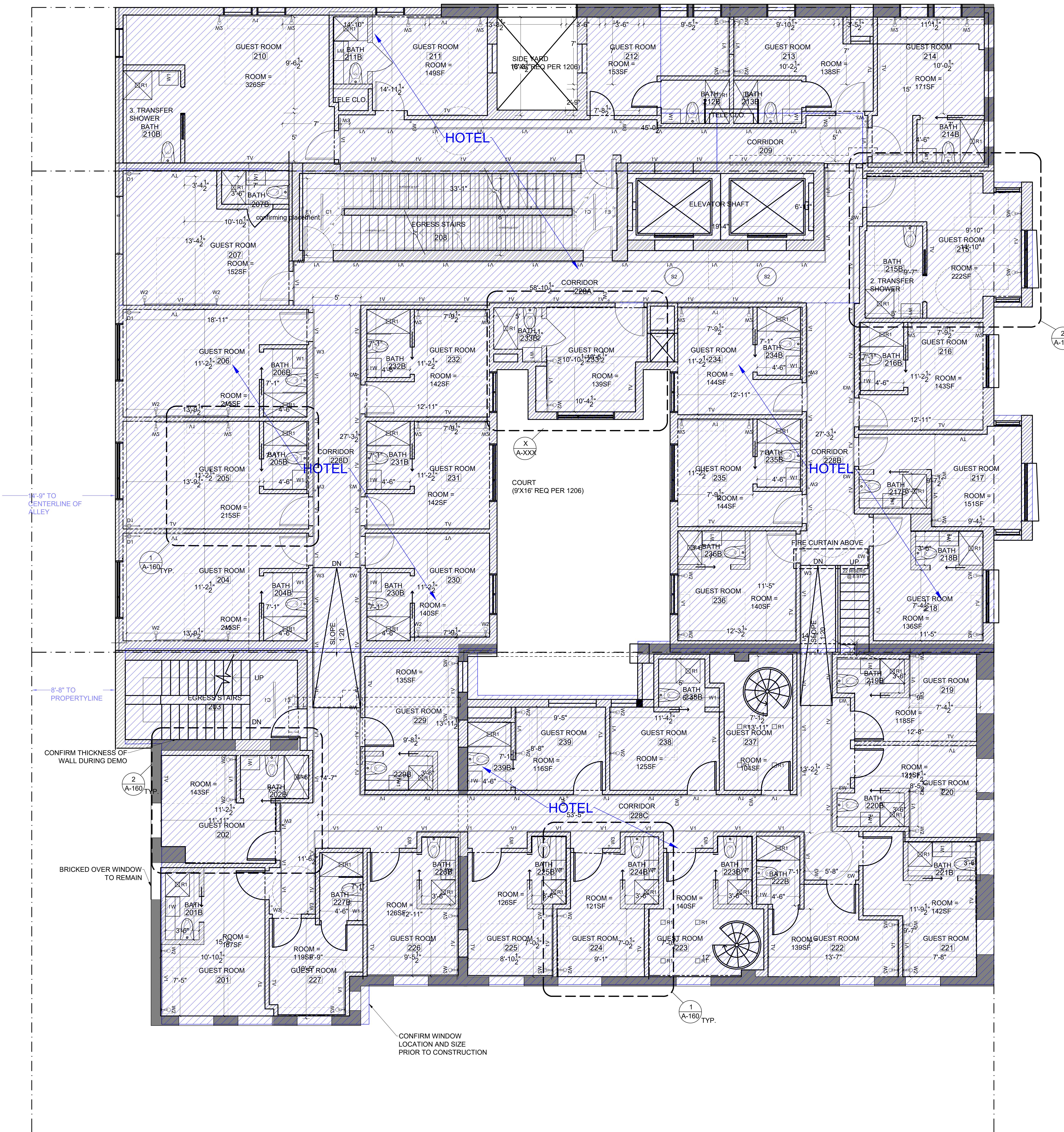
Tab A

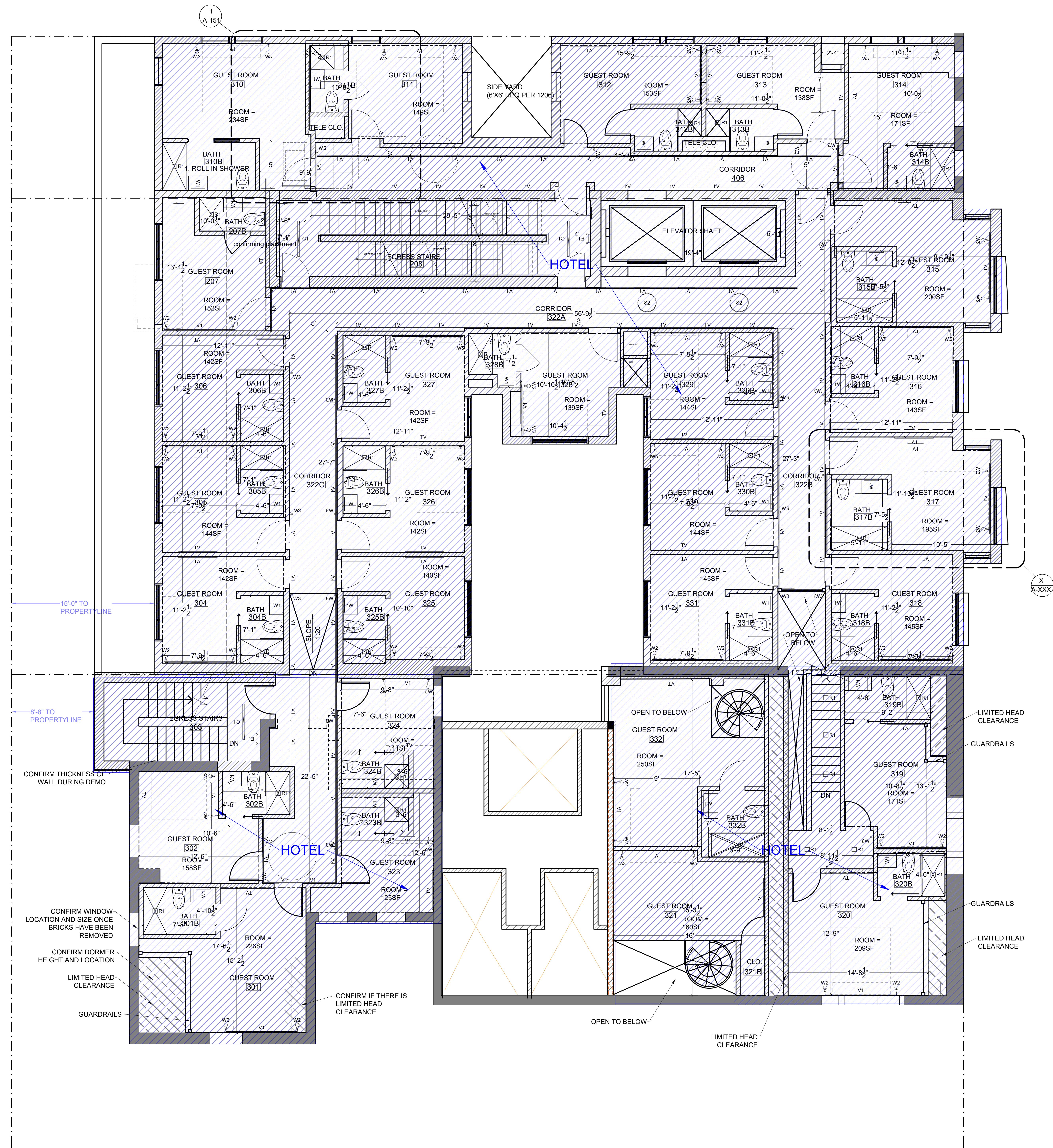


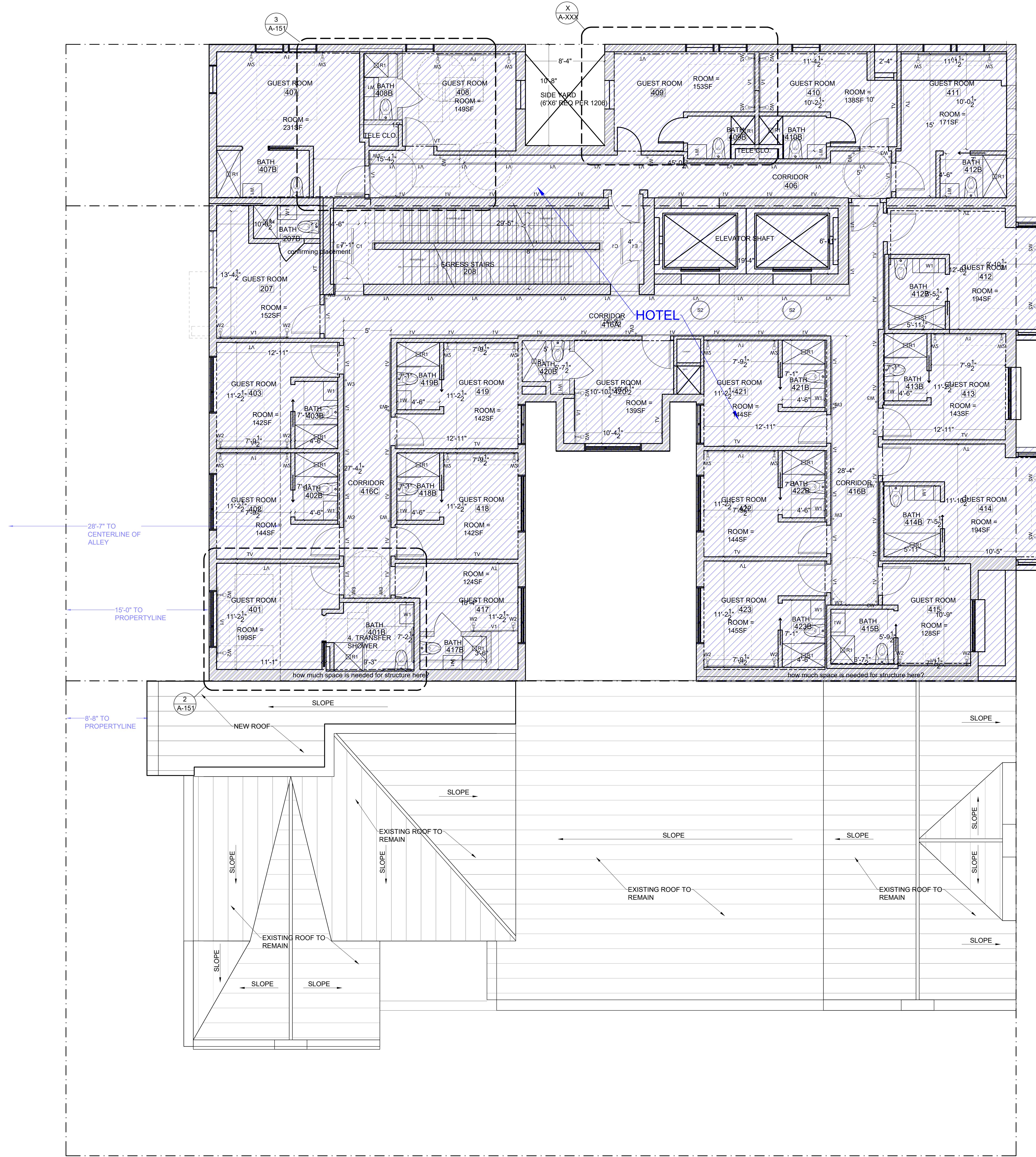
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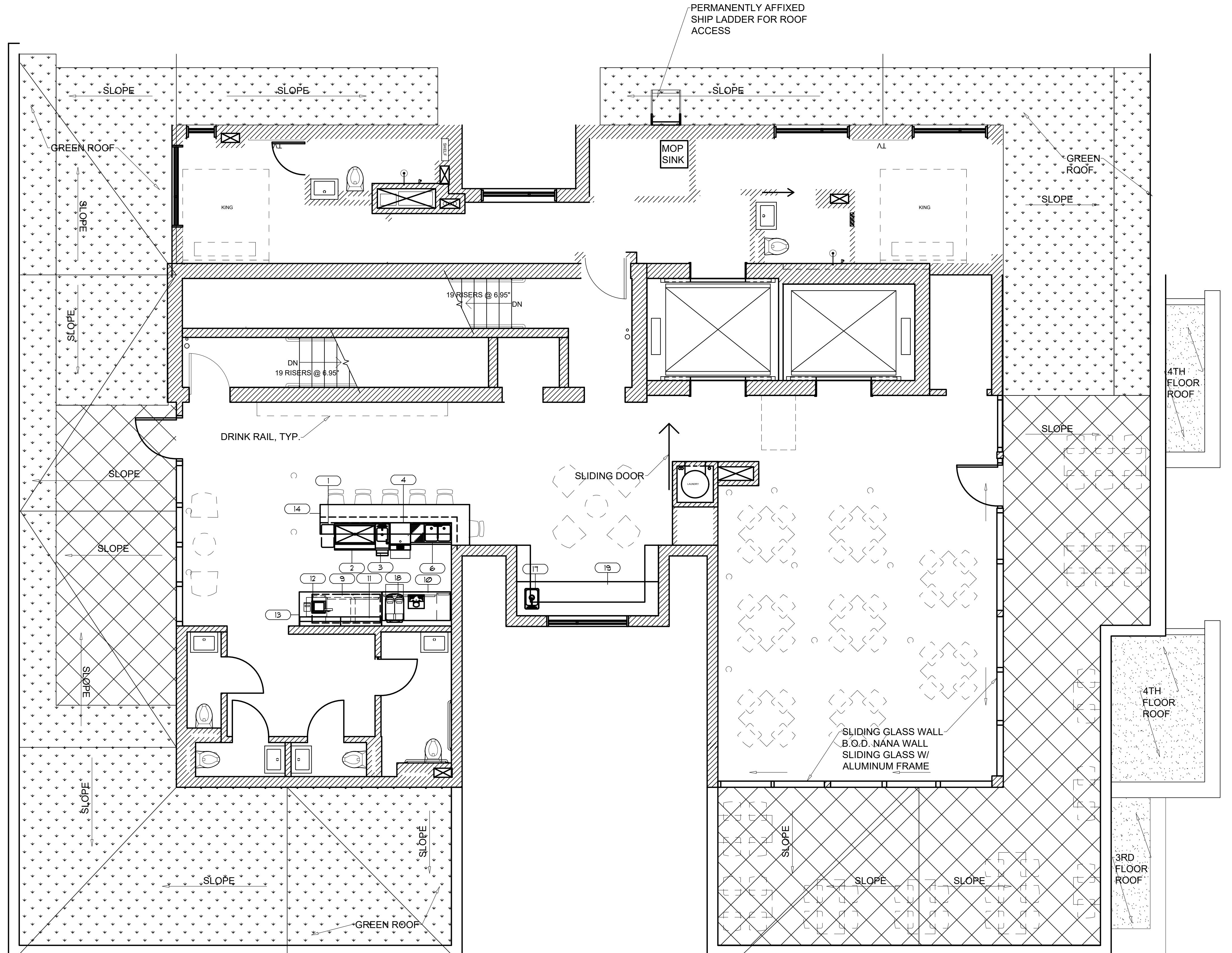












# PENTHOUSE EQUIPMENT FLOOR PLAN

1 SCALE: 1/4" = 1'-0"

# CULINARY CONCEPTIONS

# CONCEPTIONS

## Foodservice Design & Project Management

8 Stable Court | Owings Mills, MD 21117 |  
Phone: (410) 998-3887 |  
Email: [info@culinary-conceptions.com](mailto:info@culinary-conceptions.com)

16-1644 N CAPITOL ST N  
ASHINGTON, D.C., 20001

1626-1644 N CAPIOL S 1 NW  
WASHINGTON, D.C., 20002

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V 1ST FLR - 9-04

V. arch plan - 8-14-20

V.PLAN - 08-12-20

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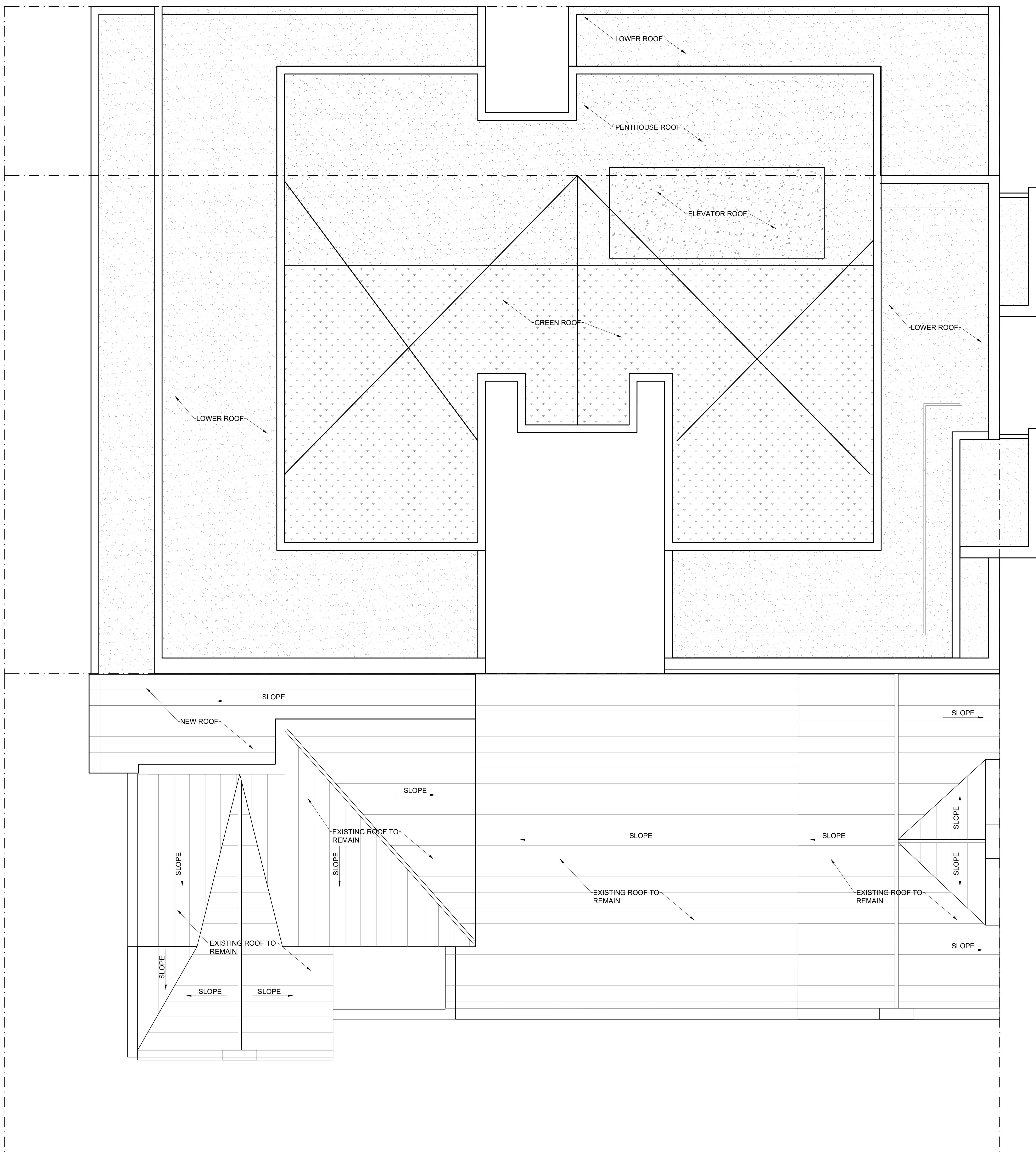
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#### SERVICE EQUIPMENT

# PLAN

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7.





Atelier Mjk

1626 - 1644 | PROPOSED ELEVATION