

December 7, 2018

VIA IZIS AND HAND DELIVERY

Frederick Hill, Chairman
D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 200 South
Washington, DC 20001

Re: **Case No. 18906B: Request for Modification of Consequence of Approved Plans**

Dear Chairman Hill and Members of the Board:

The Applicant seeks a modification of consequence of the plans approved in Case No. 18906 and 18906A. Case No. 18906 dealt with property located at 1337 Connecticut Avenue, NW (Square 137, Lot 55) (the “**Property**”). The Property is located in both the MU-15 and MU-21 Zone Districts¹ and it is improved with a single building consisting of office and retail uses. The Board of Zoning Adjustment (the “**BZA**”) approved an application to convert floors 2-5 of the existing building to inn use and to construct a sixth floor that would be dedicated to inn use. Approval of this conversion and addition required variance relief from the parking, loading, and court requirements, as well as special exception relief to shift the zone boundary line, establish an inn in the SP-1 zone and from the roof structure requirements, all of which were approved by the Board in Orders No. 18096 and Order No. 18096A (collectively, the “**Orders**”) which are attached as Exhibit B). The Applicant has since secured a building permit for the approved work.

The Applicant now seeks to modify the approved plans regarding the top of the building by expanding the space previously proposed as the mechanical penthouse into a partial seventh

¹ These represent the SP-1 and C-3-C Zone Districts in the Dupont Circle Overlay under the 1958 Zoning Regulations. The project is vested under the 1958 Zoning Regulations due to the previous BZA approval pursuant to 11-A DCMR §102.3.

floor to use as accessory restaurant space (the “**Modification**”).² The seventh floor will be dedicated to restrooms and a pantry area that will enable restaurant service for an outdoor terrace. The proposed Modification will convert 900 square feet of mechanical penthouse space into 1,334 square feet of restaurant space in the seventh floor. Plans showing what was approved as the penthouse and the proposed Modification are attached as Exhibit C. As shown on the plans, the Modification is still within the height and Floor Area Ratio (“**FAR**”) limitations of the Zone Districts (including the Zone boundary shift approved in the prior Orders). Further, the Modification does not change the parking or loading requirements, therefore the relief approved in the Orders with respect to parking and loading remains unchanged. The roof structure relief requested in the Orders is no longer necessary due to the Modification.

The Applicant seeks approval of a modification of consequence pursuant to 11-Y DCMR §703.2 to effectuate the Modification. The Board granted relief pursuant to Section 512 to allow inn use in the SP-1 zoned portion of the Property (it is otherwise allowed a matter-of-right in the C-3-C zoned portion).³ A modification of consequence is required because the plans approved by the Board show a mechanical penthouse where the Applicant is now proposing a partial seventh story. The Modification does not trigger the need for additional relief from the Zoning Regulations; it is before the Board because it constitutes a change in approved plans pursuant to 11-Y DCMR §703.4. This request does not change the material facts upon which the original approval was granted and is consistent with the original approval granted by the Board. The Board has already approved the general project; the Applicant simply seeks to convert the mechanical penthouse to a partial seventh story for accessory restaurant use. The Applicant does not seek to modify any conditions of approval.

In addition to the Orders attached as Exhibit B and the plans attached as Exhibit C, attached as Exhibit A is the authorization letter from the Applicant to file the Modification application. Also included with this application is a check in the amount of \$3,190.72, which represents the filing fee in this matter. We would be happy to produce any other information or evidence in support of the above letter and greatly appreciate your consideration of this matter.

Sincerely,

Christine A. Roddy /io

Christine A. Roddy

Meghan Hottel-Cox /io

Meghan Hottel-Cox

² This area was previously excluded from the building FAR since it was considered a penthouse; however, now that it is being converted into a partial seventh floor, the square footage is included in the building FAR.

³ The Orders were both granted under the 1958 Zoning Regulations, and therefore the Section and Zone District referenced herein are to the 1958 Zoning Regulations.


Certificate of Service

I certify that the enclosed documents were forwarded to the following addresses on December 7, 2018, by hand delivery or first class mail.

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Meghan Hottel-Cox