

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



June 26, 2014

Christine Moseley Shiker
Holland & Knight LLP
800 17th Street, N.W.
Suite 1100
Washington, DC 20006

Re: Revision to Certificate of Occupancy
1201 K Street, N.W. (Lot 44, Square 284)

Dear Ms. Shiker:

This is to confirm the substance of our discussions on May 22, 2014, regarding the requested revision to Certificate of Occupancy No. 78453 dated June 24, 2004, permitting the hotel use for the existing building at 1201 K Street, N.W. (Lot 44, Square 284) (the "Property"). The Property is zoned C-4. You provided a summary of the history of the development of the Property as follows:

- A portion of the property was originally constructed as a hotel with one below-grade level and nine stories, having a maximum height of 90 feet. *See* Zoning Computation Sheet No. 61-402. The penthouse structure had a height of 20 feet and was approved per BZA Order No. 6302.
- Certificates of occupancy were issued for the hotel use, including Certificate of Occupancy No. B137598 dated February 2, 1984, permitting the use of the 1st through 9th floor for Hotel - 220 rooms plus kitchen and Certificate of Occupancy No. 1900200 dated March 1, 1990, permitting the use of the basement and 1st through 9th floor (plus kitchen) for a hotel with 220 rooms.
- In around 1999/2000, the adjacent four-story building was incorporated into the hotel building and the hotel was renovated for a "Sheraton Four Points." *See* Building Permit B426299. This renovation increased the square footage of the hotel with the incorporation of the adjacent building, maintained the existing nine stories, and enclosed the existing rooftop swimming pool.

- Certificate of Occupancy No. 187569 dated June 5, 2000, was issued to 12th & K Associates for hotel use with 265 guest rooms and below grade parking. The area occupied is noted as "1st thru 8th FLRS & GARAGE" ("2000 CO"). The application also notes that the building has 9 floors with 169,700 square feet.
- In 2004, JBG/1201 K Hotel, L.L.C. purchased the building. *See* Special Warranty Deed dated June 15, 2004. A new certificate of occupancy (Certificate of Occupancy No. 78453 dated June 24, 2004) ("2004 CO") was issued to reflect the name change. The 2004 CO, however, was issued in the incorrect name to JBG/1201 Hotel LLC. In addition, the 2004 CO continued to note only 8 floors, including the identical language from the 2000 CO.

You informed me that JBG/1201 K Hotel, L.L.C. is in the process of selling the building to a new owner and has recently learned of the inaccuracies in the 2004 CO. Accordingly, you have asked the following revisions be made to the 2004 CO by the issuance of a new Certificate of Occupancy:

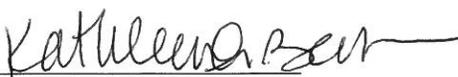
Correct Name: The new Certificate of Occupancy should be issued in the correct name of "JBG/1201 K Hotel, L.L.C."

Correct Number of Floors: The new Certificate of Occupancy should be issued to reflect 10 floors. It is clear from the certificate of occupancy history that the hotel has had 9 floors since it was constructed. As noted above and shown on the plans, the pool was enclosed during the 2000 renovation. Because it is unclear as to whether an enclosed pool can be included within a roof structure, you recommended that the roof structure be considered a 10th floor. As noted above, the existing building was 9 stories with a maximum height of 90 feet. Adding the 20-foot high penthouse to the 90 feet of building height results in a building having a maximum height of building of 110 feet. Based on the C-4 zoning and the Property's frontage on K Street, N.W., the maximum permitted height is 130 feet, with no limit on stories. 11 DCMR § 770.4. Accordingly, the building can be considered 10 stories and 110 feet in compliance with the Zoning Regulations.

Correct the Building Area: According to both the application accompanying the 2004 CO and the 2000 CO, the total building area for the 9 stories is 169,700 square. With the change in the number of stories as described above, the hotel use will occupy an additional 6,102 square feet (which includes 2,289 square feet for the pool enclosure and 3,813 square feet for the penthouse area). Accordingly, the total building area will be 175,802 square feet. In the C-4 District, a building is permitted to have a maximum FAR of 8.5. 11 DCMR § 771.2. Furthermore, a building or structure that is erected to a height of more than 110 feet is permitted a maximum FAR of 10.0. 11 DCMR § 771.5. The lot area of the Property is 25,617 square feet. Accordingly, 8.5 FAR would permit up to 217,744.5 square feet. Accordingly, the building area can be considered 175,802 square feet in compliance with the Zoning Regulations.

Swimming Pool: As described above, the hotel building includes a rooftop pool which was enclosed during the 2004 renovation. The pool is operated in accordance with a swimming pool basic business license (License #65003374).

Based on this information, I would approve an application for a revision to the 2004 CO to include the corrected name, the corrected number of stories, the corrected building area and a reference to a swimming pool. I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely, 
Kathleen A. Beeton
Deputy Zoning Administrator

Attachments:

- Tab 1: Zoning Computation Sheet No. 61-402
- Tab 2: Certificate of Occupancy No. B137598 and Application
- Tab 3: Certificate of Occupancy No. 1900200 and Application
- Tab 4: Building Permit B426299
- Tab 5: Certificate of Occupancy No. 187569 and Application
- Tab 6: Special Warranty Deed dated June 15, 2004
- Tab 7: Certificate of Occupancy No. 78453 and Application