

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

Statement of French Quarter Hospitality, LLC on behalf of
the Washington Club
ANC 2B

BZA Application No.

Hearing Date:

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PRELIMINARY STATEMENT OF THE APPLICANT

This is the statement of French Quarter Hospitality, LLC (“**Applicant**”) on behalf of Washington Club (“**Club**”) for special exception and variance relief to permit the conversion of the club, which is located at 15 Dupont Circle, NW (Square 136, Lot 34) (“**Property**”), to use as a luxury hotel.

The Property is a corner lot with frontage on both Dupont Circle and P Street NW and is located in the DC/SP-1 Zone District. The Property is improved with the Patterson Mansion (“**Mansion**”), a four-story building that is owned and occupied by the Washington Club as a private club. The Mansion is a historic landmark, and it is also located within the Dupont Circle and Massachusetts Avenue Historic Districts. The Applicant intends to demolish an existing 1958 two-story addition to the club and replace it with a new six-story addition. The proposed design has been submitted to the Historic Preservation Review Board for concept review.

The Applicant seeks special exception approval to convert the Property to use as a hotel as well as related relief to accommodate the proposed design of the Project. Specifically, the Applicant requests special exception relief from the parking and green area ratio requirements to accommodate the addition to a historic landmark. The Applicant also requests variance relief from the side yard requirements, the court width requirements, and the requirement to maintain existing parking spaces.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18665

EXHIBIT NO. 4

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the "**BZA**" or the "**Board**") approve special exception relief pursuant to Sections 512.1 (hotel use), 2120.6 (parking for an addition to a historic landmark), 3405.1 (the Green Area Ratio requirements), and 3104.1 of Title 11 of the District of Columbia Municipal Regulations (the "**Zoning Regulations**"). The Applicant also requests that the Board approve variance relief pursuant to 3103.1 of the Zoning Regulations from the side yard requirements (§ 535, or in the alternative, the limitation on projections into open spaces set forth in § 2502.2), the court width requirements (§ 536), and the requirement to maintain existing required parking spaces (§ 2100.10).

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II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Sections 3103.1 and 3104.1 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located at the intersection of Dupont Circle and P Street, on the northeast portion of the circle and consists of approximately 13,852 square feet of land area. The Property is improved with a four-story historic mansion and a two-story annex. Some surface parking is located at the rear of the Property, accessed from a driveway from P Street. The floor area ratio ("**FAR**") of the existing improvements is approximately 2.20.

Property to the east is used as the Iraqi Consulate and is also located in the DC/SP-1 Zone District. Property to the northwest is improved with a nine-story commercial office building and is located in the DC/C-3-C Zone District. The surrounding area contains a mix of office, residential, institutional, hotel and retail uses.

IV. BACKGROUND AND PROJECT DESCRIPTION

The Patterson Mansion was constructed in 1902-03 by architect Stanford White for Robert Wilson Patterson, the editor of the Chicago Tribune, in the Italian neoclassical style. The Patterson family continued to control the property for nearly five decades and maintained it as a social hub. Among other highlights, the Mansion served as a temporary home for President Coolidge and his wife while the White House was under renovation in the 1920s, and the President hosted Charles Lindbergh at the Mansion following his transatlantic flight. The Club bought the property in 1951, and has used it as a private club since that time. An addition to the Mansion, which was constructed in 1958, is not considered to contribute to the character of the landmark. The Club currently contains approximately 15,000 square feet of event space on the first and second floors.

The Applicant is a privately-held hotel development company founded in 1993 with extensive experience in large-scale, complex hotel and resort redevelopment projects. The Applicant proposes to convert the Property to use as a luxury hotel featuring approximately 37 rooms, a restaurant on the cellar level, and approximately 7,105 square feet of event space consisting of three banquet rooms and a ballroom on the second floor ("**Project**"). To accommodate the design of the proposed hotel, the Applicant will demolish the existing non-contributing annex and construct a new addition in its place.

The Mansion measures approximately 57'8" feet in height and the addition will be 65 feet in height, both within the 65 foot height limit in the SP-1 Zone District. The Project will have a maximum FAR of approximately 3.72, which is within the 4.0 FAR limit in the SP-1 Zone District, and a total nonresidential FAR of approximately 0.77, which is within the SP-1 Zone's 2.5 FAR limit for such uses. The proposed addition increases the gross floor area of the

historic resource by greater than 50%. Hotels are not subject to lot occupancy limit in the SP-1 Zone.

Under Section 534.4 of the Regulations, a building located on a corner lot may provide a court in lieu of a rear yard. The court must comply with the width requirements for a closed court.¹ Here, the Property provides a court with a width of 25 feet at the front of the Mansion which complies with the minimum width requirements for a closed court in the SP-1 Zone District. The Regulations require a side yard of 10.833 feet and the Project provides a side yard of 11 feet at the ground floor, but reduced to 8 feet on upper floors where a bay projects out into the side yard.

The Project also contains two additional courts. The first court is a five-foot wide, two-story tall open space created between the Mansion and the proposed addition because of a request by preservation officials to provide separation between the landmark and the addition. Relief is requested to accommodate the width of this court. The second court is a 16 foot-wide triangular court at the rear of the Mansion, which is an existing conforming condition; no relief is required to accommodate this court.

The Project will provide no parking. The Applicant proposes to retain the existing circular driveway for vehicular drop off and pickup activity. The proposed addition will eliminate the existing surface parking.

¹ Here, per Sections 536.1 and 536.6, a hotel is considered to be a nonresidential use that mandates a court width of 3 inches per foot of height, but not less than 12 feet. The open court is located in front of the Mansion, which is 57 feet, 8 inches tall and therefore requires a court that is 14.42 feet wide.

**V. THE APPLICATION MEETS THE REQUIREMENTS FOR
SPECIAL EXCEPTION RELIEF UNDER SECTION 3104.1 OF THE
ZONING REGULATIONS**

The Applicant is seeking special exception relief pursuant to Sections 3104.1 and 512.1 to permit the use of the Property as a hotel. Pursuant to Section 512, the Applicant must demonstrate that:

- 1) The height, bulk, and design of the hotel is in harmony with existing uses and structures on neighboring property;
- 2) The approval of the hotel results in a balance of residential, office, and hotel uses in the SP District in the vicinity of the hotel;
- 3) The gross floor area devoted to function rooms and exhibit space does not exceed 15% of the hotel's GFA;
- 4) The hotel is located within 1,300 feet of the Central Employment Area or a Metrorail station, as measured from the main lobby entrance to the edge of the CEA or the Metro entrance following public rights-of-way; and
- 5) The location and design of driveways, access roads, and other circulation elements of the hotel avoid dangerous or other objectionable traffic conditions; provided, that the Board may require more or less off-street parking and loading than required to accommodate the activities of the hotel so as to avoid unduly impacting parking or traffic on surrounding streets.

The Regulations also require that the applicant demonstrate that the special exception must be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and must not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. 11 DCMR Section 3104.1.

The Applicant also seeks special exception relief from the parking requirements pursuant to Section 2120.6 of the Zoning Regulations and from the Green Area Ratio ("GAR") requirements pursuant to Section 3405.1 of the Zoning Regulations. The specific standards for these two special exceptions will be addressed in a supplemental statement prior to the public hearing.

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A. The Proposed Project Meets the Specific Requirements for Hotel Use in the SP Zone District

Under the Zoning Regulations, “[r]elief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations, and if the applicant meets the burden, ‘the Board ordinarily must grant the application.’ BZA Application No. 17337-A at 13 (quoting *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695,701 (D.C. 1981).

1. The height, bulk, and design of the hotel is in harmony with existing uses and structures on neighboring property

The proposed addition is in harmony with the height and bulk of the existing Mansion. The proposed addition is 65 feet tall, or less than 8 feet taller than the existing Mansion. Furthermore, the four- to six-story Project, taken as a whole, is in harmony with neighboring structures and uses, which range from the nine-story commercial office building to the northwest to the four-story Hong Kong Economic Trade Office to the northeast, the three-story Iraqi Consulate to the east, and the three-story Sulgrave Club to the south across P Street. The Project will provide a natural transition between the high-density office building to the medium-scale institutional uses.

Prior to the public hearing, the Applicant intends to secure concept approval for the proposed Project from the Historic Preservation Review Board. Such approval will demonstrate that the proposed addition is compatible with the character of the Patterson Mansion and that the height, bulk and density of the hotel, including the proposed addition, is in harmony with the

character of the Dupont Circle and Massachusetts Avenue Historic Districts, which include property to the north, east and south.

2. The approval of the hotel results in a balance of residential, office, and hotel uses in the SP District in the vicinity of the hotel

There are few hotels within the SP Zone District in the vicinity of the hotel, and the proposed Project will not create an imbalance of uses. The DC/SP-1 Zone District east of Dupont Circle covers approximately 8-10 city blocks, including stretches of 18th Street and New Hampshire Avenue north of the Circle and the \ triangle created by Massachusetts Avenue, Rhode Island Avenue, and 18th Street south of the Circle. Within this area, there are only two other hotels – the Topaz, which is located on N Street between 17th Street and 18th Street, and the Beacon, located at 17th and N Streets. There is also an additional hotel located in the SP-1 zone on the west side of Dupont Circle (Embassy Row at 21st and Massachusetts Avenue). The Dupont Circle Hotel is also located nearby, but it is in the DC/C-3-C Zone District. Therefore, the proposed new hotel will not lead to an overconcentration in the number of hotels in the neighborhood.

The DC/SP-1 Zone District east of Dupont Circle otherwise contains a diverse balance of embassies, institutional office uses and residential uses, and the proposed hotel will complement this balance of uses. Importantly, the Project will not displace any existing residential uses.

3. The gross floor area devoted to function rooms and exhibit space does not exceed 15% of the hotel's GFA

The Club currently provides a total of approximately 15,000 square feet of event space, including a banquet hall on the main floor and ballroom and event space on the second floor. The Project will provide approximately 7,105 square feet of event space in three banquet rooms and a ballroom, all on the second floor. This comprises less than 14% of the total GFA of the

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Project and therefore complies with the Regulations. (The balance of the second floor contains corridors, foyers, and circulation elements that all count as “guest room” or “service” areas under the definition of hotel in the Zoning Regulations.) The Project will also contain a restaurant within the cellar level that is internally accessible from the lobby; by definition, the hotel is permitted to have such a “dining room.”

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4. The hotel is located within 1,300 feet of the Central Employment Area or a Metrorail station

The Property is less than 200 feet from the Central Employment Area, which begins at Massachusetts Avenue and Dupont Circle, a block away from the main entrance to the Project. The Property is also located less than 500 feet from the southern entrance to the Dupont Circle Metrorail station and less than 900 feet from the northern entrance to the Dupont Circle Metrorail station.

5. The location and design of driveways, access roads, and other circulation elements of the hotel avoid dangerous or other objectionable traffic conditions; provided, that the Board may require more or less off-street parking and loading than required to accommodate the activities of the hotel so as to avoid unduly impacting parking or traffic on surrounding streets

The Applicant proposes to reuse the existing circular driveway, which has provided accommodated dropoff and pickup activity at the Property for over a century and is part of the established streetscape and vehicular traffic pattern. The Applicant also proposes to retain the existing driveway along the eastern property line for loading and service access.

Through the construction of the addition, the Applicant will eliminate some existing noncompliant tandem parking spaces at the rear of the Property, and no new parking is proposed. Parking is not required to accommodate the planned uses at the hotel. Hotel employees are

expected to use public transportation or other alternatives to travel to work, and hotel guests are expected to arrive and depart by taxi or public transportation.

Prior to the public hearing, the Applicant will provide additional information and evidence in support of this prong of the special exception test.

B. The Requested Relief is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The general purpose and intent of the Zoning Regulations and Zoning Maps is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare. 11 DCMR Section 101.1. To determine whether the relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps, the Board specifically considers the character of the respective districts as well as the suitability of each district for the uses permitted; and whether the use is designed to encourage the stability of districts and land values. *Id.* at Section 101.2. The Board has also previously concluded that, when considering a special exception within the Dupont Circle Overlay, the Board must also consider not only the base zone district but also whether the relief is in harmony with the purposes of the DC Overlay.

The Project is consistent with the purposes of the Zoning Regulations with regard to the SP Zone Districts. The SP Zone Districts are intended to act as a buffer between adjoining commercial and residential areas and ensure new development is compatible in use, scale and design with the transitional function of the zone. 11 DCMR § 500.2 The SP-1 zone is specifically intended to preserve and protect areas adjacent to commercial districts that contain a mix of row houses, apartments, offices and institutions at a medium-high density, including buildings of historic and architectural merit. 11 DCMR §§ 500.3, 500.4. Here, the Project will provide a transition in use, scale and design from the nine-story office building northwest of the Property to the three- and four-story buildings that otherwise surround the Property. The

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proposed Project's height and FAR is also consistent with the zone's goal for medium-high density development. As noted above, the Project will be reviewed by the Historic Preservation Review Board, which will provide guidance on whether the Project protects the Mansion and other buildings of historic or architectural merit.

Section 5005.5 of the Zoning Regulations states that only uses that are listed in Chapter 5 of the Regulations are permitted in the SP Zone. Here, the proposed hotel, including its dining room and function rooms, are all explicitly permitted within the zone pursuant to Section 512. Finally, per Section 500.6 of the Regulations, this application will be referred to the Office of Planning, the District Department of Transportation, the State Historic Preservation Officer, and all other relevant District agencies by the Office of Zoning and/or the Office of Planning.

The Project is also consistent with the purposes of the Dupont Circle Overlay. The DC Overlay is intended to require a scale of development consistent with the nature and character of Dupont Circle in height and bulk; protect historic resources and prevent demolition activity that would lead to an inappropriate increase in height or FAR; enhance residential character by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development; ensure the compatibility of development with the Comprehensive Plan; preserve areas planned as open gardens and backyards; enhance the streetscape by maintaining public space as landscaped green space; and encourage greater use of public transportation and the free circulation of vehicles through streets and alleys.

Here, the Project is within the height and bulk that is permitted in the SP-1 Zone District and is otherwise consistent with the nature and character of Dupont Circle, which contains a mixture of historic structures and taller new construction around the circle. The Project will protect and enhance the Mansion through an adaptive reuse that takes advantage of the

Mansion's unique history and is compatible with its height and mass. The Project will not displace any existing residential units or otherwise harm the neighborhood's residential character, nor will it disturb any planned open gardens or backyards. The Project will maintain the existing streetscape design in front of the Mansion. Finally, the Project will not provide any new parking, which will discourage private automobile trips. The Applicant will provide an assessment of the compatibility of the Project with the Comprehensive Plan in a supplemental filing prior to the public hearing.

C. **The Requested Relief Will Not Adversely Affect the Use of Neighboring Property**

Prior to the public hearing, the Applicant will provide information on why the requested special exception will not adversely affect the use of neighboring property.

**VI. THE APPLICATION MEETS THE REQUIREMENTS FOR AREA
VARIANCES UNDER SECTION 3103.2 OF THE ZONING
REGULATIONS**

The burden of proof for an area variance is well established. The applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition; (ii) that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant; and (iii) that the granting of the variance will not cause substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zone plan. *See, e.g., Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). As set forth below, the Applicant meets the three-part test for the requested variance from the side yard requirements, court width requirements, and the requirement to maintain existing parking spaces.

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A. The Property is Affected by an Exceptional Situation or Condition

The D.C. Court of Appeals held in *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that "property generally includes the permanent structures existing on the land." *Id.* at 293-294. Indeed, the Court repeatedly has rejected the idea that the exceptional situation and practical difficulty justifying a variance must arise from the physical aspects of the land. *See Monaco v. D.C. Board of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979).

Here, the Property is unique because it is improved with an existing building that is a historic landmark as well as located within two existing historic districts. Furthermore, the lot is an irregularly-shaped corner lot and the existing building "fronts" on the intersection at the southwest corner of that lot, rather than on a particular street face or lot line. The Property is also located adjacent to the Iraqi Consulate , which is a unique condition. Finally, the Property is improved with an 11-foot wide driveway that itself does not meet the minimum requirements of the Zoning Regulations (14 feet for a two-way driveway).

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

To satisfy the second element for an area variance standard, the Applicant must demonstrate "practical difficulty." The D.C. Court of Appeals has established a two part test for determining whether an applicant has met its burden of proof. The applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome" and that the practical difficulty is "unique to the particular property." *Gilmartin*, 579 A.2d at 1170. The Court of Appeals has held that the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Id.* at 1171.

"Increased expense and inconvenience to applicants for a variance are among the proper factors for [the] BZA's consideration." *Id.* Some other factors that the BZA may consider are "the weight of the burden of strict compliance," "the severity of the variance(s) requested," and "the effect the proposed variance(s) would have on the overall zone plan." *Id.*

Here, there is a practical difficulty in complying with the side yard and court width regulations that is driven by the exceptional conditions affecting the property. The historic Mansion cannot accommodate a vertical addition, so all density must be located with the addition. Furthermore, preservation officials have required that the proposed addition be set off from the Mansion to allow the Mansion to read as a standalone building. This pushes the addition to the east. At the same time, in deference to the Iraqi Consulate, the Applicant has elected to not build all the way to the eastern lot line, but rather provide a setback to accommodate the embassy's security and privacy needs. These requirements constrain the footprint of the addition and limit the ability to accommodate the permitted density within the available footprint. Furthermore, the addition is itself an inefficient single-loaded corridor, which further reduces the net usable density available for guest rooms. Therefore, the only way for the Applicant to achieve a viable project is to project the upper portions of the building 3 feet out into the proposed side yard.

Similarly, preservation officials have required that the addition be physically separated from the Mansion starting at the third floor. This creates the nonconforming five-foot wide court. As discussed above, if the Applicant were to shift the addition far enough to the east to create a compliant court, the footprint of the addition would no longer be wide enough to accommodate the building program. These dimensional limitations also preclude the Applicant from maintaining the existing parking on the Property.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

Finally, the Applicant must demonstrate that "granting the variance will do no harm to the public good or to the zone plan." *Gilmartin*, 579 A.2d at 1167. Here, the requested variances can be granted without causing any adverse impact on the neighboring properties. No adjacent property is impacted by the court width variance, because the court is completely self-contained within the Property. The Applicant will provide additional material prior to the public hearing that demonstrates that the side yard and parking variances will not impose adverse impacts or impair the integrity of the zone plan.

VII. EXHIBITS

Exhibit A	Application form
Exhibit B	Self-certification form
Exhibit C	Authorization letters from owner and applicant
Exhibit D	Building plat
Exhibit E	Excerpt from Zoning Map
Exhibit F	Plans and elevations, as well as photographs of the site
Exhibit G	Statement of existing and intended use, and burden of proof
Exhibit H	List of property owners within 200 feet of the site
Exhibit I	BZA fee calculation form

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VIII. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested special exception and variance relief in this case.

Respectfully submitted,

Allison C. Prince

David M. Avitabile