


**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:**  Stephen Cochran, AICP, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** June 3, 2014

**SUBJECT:** BZA Case No.18772, 627 H Street, N.W.

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**I. OFFICE OF PLANNING RECOMMENDATION**

MR Gallery Square LLC has applied for zoning relief in order to construct a hotel with ground floor retail space at 627 H Street, NW, in the Downtown Development District's Chinatown Sub-Area and Housing Priority Area B. The Office of Planning (OP) **recommends the Board approve** the following relief requested for the proposed development on DD/C-3-C zoned Square 453, Lot 59:

**Area Variances**

- §772.1 Open Court Width
  - 3<sup>rd</sup> floor, west side (20.85 feet required; 10.3 feet provided)
  - 2<sup>nd</sup> floor, east side (23.3 feet required 8.17 feet provided)
- §776.2 Closed Court Width
  - Second floor, west (12 feet required; 10.3 feet provided)
- §2101.1 Parking (68 spaces required; 0 proposed)
- §2201.1 Loading
  - [(1) 55-foot and (1) 30-foot berth, (1) 20-ft service delivery space, (1) 200 sf and (1) 100 sf loading platform required]; [(1) 30-foot berth, and (1) 100 sf loading platform proposed]

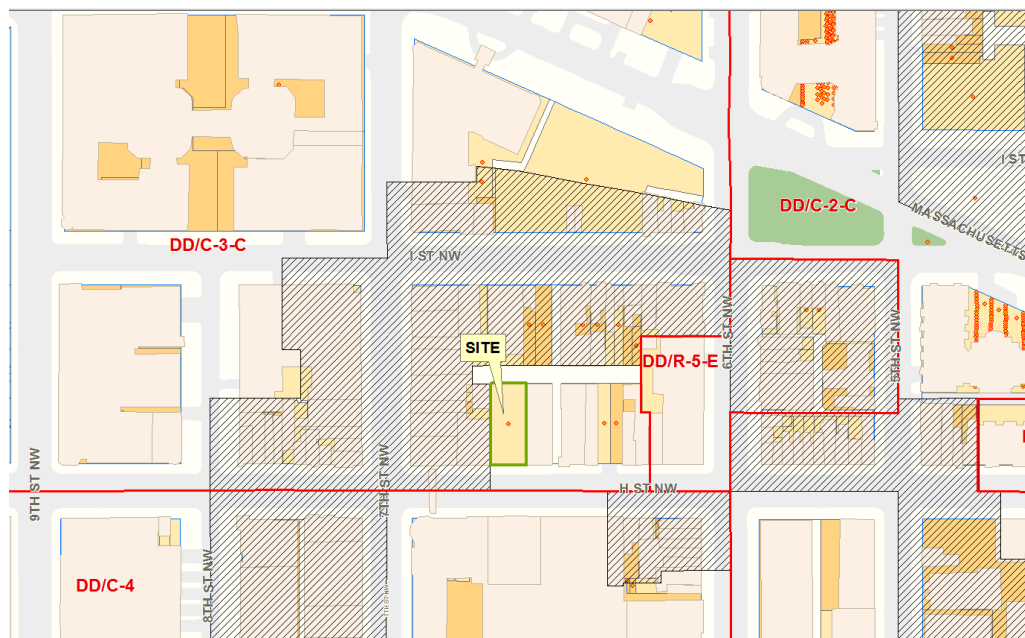
**Special Exceptions**

- §§ 411.11 and 770.6 Roof Structure Setback
  - Single structure required; 3 provided
  - 1 to 1 ratio required for height to setback from building line; lesser than required setbacks provided (from 4 to 9 feet less than required).
- § 774 Rear Yard.1 (22 feet required; 15 feet from alley centerline provided).

Since the application was filed, the design of the proposed roof structure has been revised to a uniform 18 feet 6 inches, and the previously requested relief for varying heights is no longer requested.

Because the applicant would not be providing on-site the 3.5 FAR of residential use required in Housing Priority Area B, the applicant will also need to certify this requirement has been met by Combined Lot Development before a certificate of occupancy can be issued.





**Figure 1. Location -- vacant lots at 627 H Street, NW. Hatched Areas are Historic Districts**

## II. AREA AND SITE DESCRIPTION

<b>Applicant</b>	MR Gallery Square LLC	<b>Legal Description:</b>	Sq. 453, Lot 59
<b>Address:</b>	627 H Street, NW	<b>Ward: 2</b>	<b>ANC: 2 C</b>
<b>Zoning:</b>	DD/C-2-C	<b>Historic Preservation:</b>	None. Adjacent to Chinatown district.
<b>Lot</b>	Flat, rectangular 8,039 interior lot, 60.5 feet wide and 132.9 feet deep, with a 1 ft., 11 inch incursion by the west-adjacent building. The Square is bounded by H, 7 <sup>th</sup> , I and 6 <sup>th</sup> Streets.		
<b>Adjacent</b>	There are approximately forty-foot high buildings to the east and west and a thirty-foot wide alley to the north. The building to the west is within a historic district.		
<b>Area Character:</b>	The Chinatown section of the Downtown Development District retains a concentration of small scale 19 <sup>th</sup> and early 20 <sup>th</sup> century townhouses used for both residences and commerce. These are interspersed with more recently-constructed 90 – 110 foot residential and office buildings. The Gallery Place mixed use development is across H Street, to the south of the site.		

**Table 1. Site Summary**

## III. PROJECT SUMMARY

The applicant proposes constructing a 110-foot tall 245-room “pod” hotel, a concept new to the Washington, DC market, but that has been successful in New York, European and Asian cities. Pod hotels focus on the mobile urban traveler for whom electronic and community amenities and contemporary style are more important than room space. Each 150 square foot room would be nearly identical, containing a door, window, queen-size bed, bathroom, storage unit, television and workspace with internet connectivity. The first floor and basement are designed for a retail restaurant, hotel lobby, and amenity spaces. Hotel rooms would start on the second floor and there would be a roof-terrace with a green roof and green walls on the mechanical and storage room. HVAC would be provided by through-wall units with decorative grilles.

Each of the two below-grade levels, and the first two above-grade levels would be rectangular and fill the entire lot. Above the first floor the building would have an inverted T-shaped plan, with a single loaded corridor serving rooms facing H Street, and a double loaded corridor perpendicular to H Street, serving a bar of identical room, each having a courtyard-facing and/or rear-facing window.

#### IV. ZONING REQUIREMENTS and REQUESTED RELIEF

With the Metro red, green, and yellow lines directly across H Street, and major cross-town bus lines at the front of the site, the applicant has requested relief to omit parking altogether. While loading facilities would be accessed from the rear alley, the applicant has requested relief to provide a berth and platform for one 30-foot truck, rather than berths and platforms for both a 30-foot truck and a 55-foot truck. To accommodate double loading of the corridor, meet elevator and stair requirements, and to provide a window for each room, the applicant has also requested relief from court widths and a special exception for roof structure setbacks. Finally, the applicant has requested relief from rear yard requirements, adjacent to a thirty-foot alley.

DD/C-3-C Chinatown HPA B	Reg. §	Required / Permitted	Exis-ting	Proposed	Relief
Lot Area	---	none	8,039 sf	Same	none
Lot Width	---	None	60.5'	Same	none
Lot Occ.	772.1	100%	0	100%	none
Total FAR	1706.7	10.0 (9.5, §1706.5; 0.5 §1706.7 (a) (2))	0	10.0 FAR, 80,389 sf	none
Res. FAR	1706.5	3.5 minimum, Housing Priority Area B	0	3.5 FAR via CLD	none
Retail FAR	1705.3	0.5 minimum for Chinatown	0	0.57 (4,600 sf)	none
Other GFA	1702.1	50% ground floor for required DD uses	0	0.57 FAR restaurant	none
Streetwall	1701.5	50% of surface for display, commercial entrances			
Height	1701.7	110'	0	110' (11 stories)	none
<b>Parking</b>	<b>2101.1 2104</b>	<b>48 (1sp:4 hotel rooms; 1 sp:750 retail &gt;3000 sf)] 25% Metro reduction</b>	<b>0</b>	<b>0</b>	<b>VARIANCE 48 spaces 100%</b>
Bike Pkg.	2119	Not required	0	5, next to rear entrance	none
<b>Loading</b>	<b>2201.1</b>	<b>Hotel with 200+ rooms (1) 55' berth, (1) 200 sf platform; (1) 30' berth, (1) 100 sf platform (1) 20' service space,</b>	<b>0</b>	<b>(1) 30' berth, (1) 100sf platform, (1) 20' serv. space</b>	<b>VARIANCE relief from (1) 55' berth, (1) 200 sf platform</b>
<b>Rear Yard</b>	<b>774.1 776.1</b>	<b>Below 20' ht., none Above 20' ht., 22' (2.5"/1 ft. height, and ≥ 12', measured from center of alley);</b>	<b>0</b>	<b>15'</b>	<b>SPEC. EXCEP. 7' relief</b>
Side Yard		None	0	0	None
<b>Court Width</b>	<b>776.1</b>	<b>2<sup>nd</sup> fl. W Closed: 12' (W=3"/1' ht., ≥ 12') 3<sup>rd</sup> fl. W Open: 20' 10 (W=3"/1' ht., ≥ 12') 2<sup>nd</sup> fl. E Open 23'4" (W=3"/1' ht., ≥ 12')</b>	<b>0</b>	<b>10' 4" 10' 4" 8'2"</b>	<b>VARIANCE 1'6"relief 1'6" relief 3'10" relief</b>
Closed Ct.	776.2	2 <sup>nd</sup> fl. West Closed Court: ≥ 250 sf 'area	0	691 sf	None
<b>Roof Structures</b>	<b>770.6 411</b>	<b>One enclosure, Equal height walls ≤ 18'6"  1:1 setback from exterior walls</b>	<b>0</b>	<b>1 enclosure. 18' 6" 1:1 setback, N. &amp; S. 0 setback from East court  5'11'setback from West court</b>	<b>SPEC. EXCEP. 18'6" relief from E. ct.  12'7" relief from W. ct.</b>

Table 2. Zoning Requirements and Relief Summary

## V. OFFICE OF PLANNING ANALYSIS

### A. Variances

#### Unique or Exceptional Conditions That Lead to a Practical Difficulty Relief Can Be Granted Without Substantial Harm to the Public or the Zoning Regulations

For all requested variances the applicant has demonstrated that the following facts combine to form an exceptional condition that leads to practical difficulties for the construction of a building that must accommodate “equal and opposite” fire stairs, a loading entrance, an elevator core and side windows:

- The small lot size and lot width (relative to other sites on which downtown buildings are being or have recently been constructed) and
- The inability to consolidate the applicant’s lot with adjacent lots to construct a building with a larger footprint, due to the inclusion of the building to the west in the Chinatown historic district, and the recent renovation of the building to the east for which inclusion in an expanded Chinatown historic district is under consideration.

OP’s visual inspection of the seven property Squares near the applicant’s site indicates that virtually all new construction since 1980 has been on consolidated lots larger than the applicant’s.

The applicant also noted that in Order 17673 the Board had found that the exceptional conditions on this site justified the granting of a loading variance and a parking access variance for a proposed office and retail building.

#### 1. Parking (§§ 2101.1, 2104)

The applicant’s parking and loading assessment demonstrates that building code requirements restrict where the rear fire stairways can be located, which makes for a practical difficulty in the location of a garage entrance. If the garage were constructed, the ramping configuration would leave enough space for approximately 5 parking spaces per level. Even with the permitted Metro-proximate parking reductions, the required 48 parking spaces would result in the practical difficulty of requiring 9 ½ below grade parking levels or the provision of a vehicular elevator for cars that the applicant’s marketing and parking studies indicate would not be brought to the site.

The applicant has demonstrated that the hotel’s target market is not likely to arrive by private vehicles, that the location has a Walkscore of 97 (out of 100), that several Metrorail and Metrobus lines are essentially at or across the street from the front of the site, that four Capital Bikeshare stations are within 500 feet, and that ten car-share spaces are within ¼ of a mile. Together, both the market study and the availability of alternative modes of transportation indicate that there is little likelihood that the absence of parking will pose a substantial harm.

#### 2. Loading (§2201.1)

The applicant has demonstrated a fifty-five foot loading berth could not be readily accessed by 55-foot long, 12-foot wide trucks trying to make the necessary turns from a 12-foot wide alley off of H or I Streets. A thirty-foot truck can make the necessary movements safely. Providing the additional 25 feet for a loading berth would also diminish the ground floor retail space for no practical purpose. The applicant has also pointed out that providing loading berths and platforms for both a 55 foot truck and a 30 foot truck would occupy most of the ground floors width in the rear, making a practically difficult to accommodate the required exit corridor, stairs and elevator in addition to the loading facilities.

The applicant has stated that hotel deliveries are likely to be accommodated by FedEx and UPS trucks. The hotel will not have the meeting rooms or banquet facilities that can sometimes require loading for 55 foot trucks.

Therefore there is not likely to be a substantially negative impact on either the public or the zoning regulation if loading relief is granted.

3. Court Width (§776.3)

Providing courts at the required widths would occupy approximately 35 feet of the applicant's 60 foot site. As the applicant has demonstrated, it would be impossible to provide a double loaded corridor in the remaining 25 foot width, thus resulting in a practical difficulty requiring the elimination of almost half of the proposed number of hotel rooms. Given court width requirements, it is unlikely that any building on the site would be able to provide side windows without court relief.

At the proposed dimensions, the courts comply with the Building Code's dimensional requirements for the provision of adequate light and air for the building's users, and enable the hotel to provide windows on every side. Adequate privacy is maintained because neither adjacent building has side windows and any additions to those buildings are likely to be subject to both historic preservation and BZA review. Thus, the granting of court width relief is not likely to have a substantial impact on the public or the zoning regulations.

**B. Special Exceptions**

1. Rear Yard Depth (§774.2)

The applicant has demonstrated that the requested provision of a rear yard of 15 feet from the alley centerline, rather than the required 22 foot depth, meets the criteria for special exception relief.

- *Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*

Due to the 30 foot width of the alley, the rear of the proposed hotel will be adequately set-back from the facing buildings to the north, all of which have relatively deep rear yards for downtown properties. This will ensure the provision of adequate light, air and privacy.

- *In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*

The same distance conditions as above, plus narrower shape of the windows on the rear wall, will ensure the provision of adequate light, air and privacy.

- *The building plan shall include provision for adequate off-street service functions, including parking and loading areas and access points.*

The plan does not meet this criterion and has asked for partial variances from loading provisions and a total variance from parking provisions. The applicant has, however, demonstrated that there will be no substantial harm to the public or the zoning regulations from the granting of these variance and, therefore, from not meeting this criterion.

- *Upon receiving an application for an approval under §774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Department of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.*

This report constitutes OP's zoning review. The applicant has also met with OP's Office of Historic Preservation and staff for the Chinatown Review Committee and the Public Space Committee. The applicant and the District Department of Transportation have been in regular consultation.

## 2. Roof Structure Setbacks (§§ 770.6 (b) and 411.11)

The roof structure is setback more than the 1:1 requirement from the exterior walls on the north and south sides of the building. Although the side courtyard walls are not always considered to be exterior walls for zoning purposes, the applicant has demonstrated that the following criteria have been met for the requested 100% relief for the setback from the eastern court wall, and the 12 foot, 7 inch relief for the setback from the western court wall.

§§ 411.11 and 770.6 permit the Board to grant special exceptions for these requests when:

- Operating difficulties, lot size or other proximate conditions would tend to make full compliance unduly restrictive, prohibitively costly or unreasonable
- The special exception would not impair and would be in harmony with the intent and purpose of the zoning regulations
- Granting the request would not tend to adversely affect the use of neighboring property, or adversely affect the light and air of adjacent buildings.

The need to provide courtyards for hotel room windows is the primary driver behind the requested setback relief. Without the courtyards, which reduce the width of the major portion of the roof from 60.5 feet to 38.5 feet the applicant would likely be able to provide 1:1 setbacks from the sides of the building. The applicant has striven to reduce any detrimental impact of the requested relief by working with historic preservation review staff on the design of a roof structure that is sympathetic with the design of the principal building facades and that is set-back from the H Street parapet 11 feet further than is required. The roof structure would not adversely affect the view, air or light available to adjacent structures.

## **VI. OTHER DISTRICT AGENCIES**

The applicant has met with the District Department of Transportation (DDOT). It is working with the applicant on providing additional bicycle spaces in addition to the five provided within the proposed building. DDOT has indicated to OP that it supports the parking and loading variances and does not have concerns with the proposed utility vault locations in the public alley at the rear of the site. The applicant and DDOT are continuing discussions about the feasibility of locating a valet staging area on H Street. DDOT's report was due to be filed after OP completed its report.

The Chinatown Review Committee's processing is ongoing. The site is not in a historic district, but is adjacent to one, and the applicant has made revisions to the design based on its informal consultation with historic preservation review board staff.

The site is not within a historic district, but the applicant has voluntarily consulted with historic preservation review staff, and made design changes because the location is adjacent to the Chinatown historic district.

## **VII. COMMUNITY COMMENTS**

ANC 2 C voted 1-0-1 to support the requested relief at a duly called meeting on May 12, 2014, but had not submitted a letter to the record at the time OP completed this report. Both the ANC and the Chinatown Review Committee have requested the applicant to continue working with those groups on Chinatown design elements. OP was aware of no opposition to the project when this report was written.