BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
912 F Street Associates, LP

BZA Application No. 16581
Public Hearing: June 20, 2000
ANC 2C

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STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to 11 DCMR Section 3103.2, for a variance from the floor area ratio requirement of Subsection 1707.4, to permit construction of a twelve-story hotel addition that incorporates portions of buildings at 910, 912, and 914 F Street and the site of 916 F Street (to provide public entrance to the hotel). The three historic buildings will be joined with the addition by way of a glass atrium. The property subject to this application, Lots 847, 848, 829, and 828 in Square 377, is located within the DD/C-4 Zone and the Downtown Historic District.

II.
Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the requested variance relief pursuant to §3103.2 of the Zoning Regulations.

BZA
Case No. 16581
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16581
EXHIBIT NO.29

III.
Background Of The Case

A. Site and Vicinity Characteristics

The subject property is located on the south side of F Street, NW, mid-block between 9th and 10th Streets, NW. Comprised of Lots 847, 848, 829, and 828 in Square 377, the property measures approximately 88 feet along F Street, NW and 159 feet deep. The property is bounded to the east by the 9-story Riggs Bank Building, a designated historic landmark and to the west by the 7-story National Union Life Insurance Building, also a designated historic landmark. The property is bounded to the south by a public alley running through the interior of Square 377. The property possesses a steep grade change, with a slope of approximately 13-14 feet from north to south. Also, a public sewer line runs diagonally across a substantial portion of the subject property.

Lots 847, 848, and 829 (910, 912, 914 F Street, NW, respectively) each are improved with a late-19th century row building. These three buildings have been utilized for commercial purposes for most of their existence and are deemed "contributing" buildings to the Downtown Historic District. The main blocks of 910 and 912 F Street, and the entirety of 914 F Street, will be retained and incorporated into the proposed project. By Final Order dated May 23, 2000, the Mayor's Agent for Historic Preservation determined that demolition of the rear additions to 910 and 912 F Street was consistent with the purposes of the Historic Landmark and Historic District Protection Act. (D.C. Law 2-144).(Exhibit K).

The Historic Preservation Review Board determined that 916 F Street was not a "contributing" building to the Downtown Historic District and approved its demolition as consistent with the purposes of the preservation law.

B. **Project Description**

The site is intended to be developed as a twelve-story hotel. The main blocks of the three historic buildings at 910, 912 and 914 F will be preserved and the non-contributing building at 916 F Street will be demolished and replaced with sympathetic infill construction to provide an entrance to the project. The retained portions of the historic buildings will be separated from the hotel by an atrium. The three historic buildings will be utilized as public spaces at the ground level and as hotel rooms on the upper levels.

The proposed building complies with all applicable height and use provisions set forth in the Zoning Regulations for the DD/C-4 Zone. The building will measure no more than 110 feet in height, in keeping with the height regulations for the C-4 Zone and the Downtown Development overlay as well as the Act of 1910. The total gross floor area for the project is 95,566 square feet.

As proposed and explained herein, this project is wholly consistent with the goals of the city and will be a substantial contribution to the District of Columbia, and especially to the Downtown area.

IV.
Exhibits In Support Of The Application

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	A portion of the Baist Map showing the Subject Property outlined in red ink.
Exhibit B:	A portion of the Sanborn Atlas showing the Subject Property outlined in red ink.
Exhibit C:	A portion of the Zoning Map showing the Subject Square outlined in red ink.
Exhibit D:	Photographs of the Subject Property and surrounding properties.
Exhibit E:	Outline of testimony of R. Donahue Peebles, representative of 912 F Street Associates, LP, Applicant.
Exhibit F:	Outline of testimony of Richard Matloff, Hotel Feasibility and Development .
Exhibit G:	Outline of testimony of Peder Sulerud, Architect.
Exhibit H:	Outline of testimony of Anne H. Adams, Architectural Historian.
Exhibit I:	Outline of testimony of Steven E. Sher, Land Planner.
Exhibit J:	Architectural Plans.
Exhibit K:	Final Decision and Order of Mayor's Agent for Historic Preservation, dated May 23, 2000.

V.
The Application Meets the Requirements for Variance Relief from Subsection 1707.4 of the Zoning Regulations

Section 1707 of the Zoning Regulations applies to historic landmarks and to specified properties within the Downtown Historic District and Pennsylvania Avenue National Historic Site. Subsection 1707.4 provides that the permitted on-site FAR for any permitted use shall be 6.0 for the lots and squares listed therein. Lots 847, 848, 829 and 828 in Square 377 are included in the list of properties subject to Subsection 1707.4's FAR limitation. 8.5 FAR is allowed for properties in the C-4 Zone not listed as subject to Section 1707.

As set forth below, the application meets the three-part test for area variance relief from Subsection 1707.4 of the Regulations.

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

The existing conditions and physical constraints of the project site are exceptional among properties in the C-4 Zone, including those properties listed in Subsection 1707.4. The subject property has a comparatively small site area of 13,330 square feet. It is a very narrow and unusually proportioned property, measuring approximately 88 feet wide and 159 feet deep, resulting in a ratio of depth-to-width of approximately two-to-one. Furthermore, it is an interior site, with public frontages only along F Street to the north and into the public alley to the south. Thus, for any development that might occur on the site, there would be no opportunity to achieve light or air circulation through windows except along the narrow street and alley frontages. The resulting high ratio of interior/core space to

perimeter space would necessarily render the subject property unusually inefficient for high-rise development of almost any nature. Likewise, because of the unusual rear lot line configuration, the Applicant is unable to maximize its rear lot occupancy without detrimental impacts to its interior configurations. Similarly, the existence of a public sewer line running diagonally across the subject site seriously restricts development options for the site, especially with regard to lower level parking arrangement and access.

Furthermore, as a result of the steep fall in grade affecting the site from north to south, significant portions of the Applicant's loading area and parking level must be included in its FAR calculation. Such a significant change in grade is very unusual in the C-4 District, let alone for such a small site.

Finally, the project site is improved with three contributing buildings to the Downtown Historic District. The Applicant has gone to great lengths to maximize preservation of these buildings. As noted by the Mayor's Agent for Historic Preservation in his May 23, 2000 Final Decision and Order,

> The proposed development would combine preservation and new construction. The main portions of the three old rowhouses [at 910, 912, and 914 F Street, NW] would be preserved. The non-contributing structure [916 F Street, NW] and the two-story rear wings of [910 and 912 F Street, NW] would be demolished. A twelve-story hotel would be built behind the rowhouses, spanning the full width of the combined lots. A low entrance wing would replace the non-contributing building [at 916 F Street, NW] and there would be an atrium between the historic buildings and the new high-rise. The historic buildings would be rehabilitated as part of the hotel.

The Applicant's project is referred to in the Mayor's Agent Order as a "model preservation project for downtown." Such an effort involves significant costs, both

financial and physical. Physical costs incurred by the Applicant for a preservation project of this high level include the necessity to create a courtyard by setting back new construction from the historic buildings. This setback serves to differentiate the new construction from overwhelming the historic fabric. As will be discussed below, the resulting buildable area on the subject site is reduced to only a small portion of the lot, limited further by the unusual rear lot line.

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

The strict application of Subsection 1707.4 would render infeasible the Applicant's sensitive development plans for the subject property. In order to: (a) support the high level of historic preservation referenced in the Mayor's Agent's Order; (b) address such design constraints as an unusually configured rear lot line, a public sewer line running diagonally across the property, and a significant grade change from north to south; and (c) provide an economically feasible room arrangement for hotel use, the Applicant is faced with significant practical difficulty in complying with the 6.0 FAR limitation of §1707.4. Essentially, these various exceptional conditions of the subject property, and the Applicant's attempts to include them as part of its preservation program, necessarily result in an inefficient generation of floor area attributable to FAR.

[a] Historic Preservation Difficulties:

As stated above, the Applicant intends to undertake an exhaustive, and costly, preservation project of the subject property. Whereas many redevelopment projects downtown involve a mixture of historic façade retention and new construction, the

Applicant's proposal goes much farther, ensuring the restoration of the main blocks of three historic buildings in the Downtown Historic District. At the same time, the project will include demolition and replacement of a non-contributing structure to the historic district. This demolition is supported by the Historic Preservation Element of the Comprehensive Plan. Beyond the added costs of restoring the architectural fabric of the three historic buildings, both on the exterior as well as, when feasible, the interior of these important structures, the Applicant is also faced with the difficult task of supporting/underpinning the structures while below-grade parking space is constructed.

More significant than the financial costs of such a sensitive undertaking are the physical costs, or difficulties, of establishing a viable mixture of preserved fabric and new construction on such a limiting site. The adaptive reuse of the preserved buildings will count toward 8,179 square feet of gross floor area for purposes of FAR calculations. In addition, the Applicant intends to set the bulk of new construction back from the south elevations of the historic buildings so that the scale of the new construction complements the historic buildings. The result of this effort will be the setback of the new addition approximately 68' from F Street along with the creation of a courtyard, approximately 18'4" wide, between the historic buildings and the new construction. Additionally, in order to include the historic buildings into the larger hotel program, the Applicant intends to connect the new with the old by means of a glass atrium roof. The result is approximately 1,650 additional square feet of gross floor area attributable to FAR for the courtyard alone.

[b] Other Site Difficulties:

Even were the subject property not improved with the three historic buildings, the site possesses a variety of circumstances that complicate development of the site in conformity with the limitation of §1707.4. First and foremost, it is an interior site. Immediately to the east of the site is the 9-story Riggs Bank Building, recently rehabilitated into a Courtyard by Marriott Hotel. Immediately to the west is the 7-story National Union Insurance Company Building, undergoing rehabilitation as trade association headquarters. Any infill development on the site will provide very little in the way of perimeter space for its occupants. Thus, the development of marketable floor area is constrained by the ability to provide sufficient light and air. This issue is further complicated by the shape of the subject property. Resulting from the Applicant's efforts to preserve the three historic buildings, new construction on the site will be limited to the area behind the three structures and in place of the non-contributing building at 916 F Street, NW. Thus, it would serve the Applicant's interests to utilize all available site area, up to the rear lot line, in order to construct its new hotel addition. However, the shape of the public alley and neighboring lot lines impact the subject property by cutting off approximately 43 feet of depth along the property behind the building at 910 F Street, NW. The Applicant must take this further limitation into consideration when attempting to provide its interior courtyard. The impact is felt most significantly in terms of interior arrangement of the hotel addition. The result is significant gross floor area lost to a floor plate/design that is less efficient than would be in a more typical property.

The steep fall in grade from F Street to the public alley also creates an inefficient situation for the generation of FAR. While parking is not mandated for the Applicant's

project by the Zoning Regulations, nonetheless parking is necessary for hotel use downtown. Understanding this reality, the Applicant has included in its plans one level of parking below-grade, accessible from the public alley. Were there no slope in grade on the property, as is the case for the vast majority of development sites downtown, the entirety of the parking level would remain below-grade and thus not count toward FAR. As it stands, however, the parking level for the Applicant's project generates approximately 4,625 square feet of floor area toward FAR that normally would not occur.

[c] Hotel Program Requirements

The market for newly constructed hotels, and particularly for those with significant historic preservation issues, dictate a need for approximately 150 hotel rooms in service on the site. The Applicant is proposing 146 rooms for the subject property, including a total of 14 hotel rooms to be provided in the upper levels of the three rehabilitated historic buildings. Without relief from the FAR requirement of §1707.4, the Applicant would lose the equivalent of 2.5 floors of hotel room space, essentially costing the project 30 hotel rooms. This loss of space would render the hotel program financially unworkable.

In sum, the exceptional conditions confronting the Applicant at the subject property combine to create a significant practical difficulty for the Applicant's proposed hotel program, both physical and economic. The various physical conditions, combined with hotel use requirements, result in the generation of inefficient gross floor area toward the FAR requirement that essentially equals the amount of FAR for which the Applicant is requesting variance relief, 4,625 square feet at the parking level, 1,650

square feet for the atrium, and 8,179 square feet of inefficiently-utilized space in the rehabilitated historic buildings. And without relief from the 6.0 FAR requirement, the Applicant simply cannot manipulate the space available on the subject property, provide an economically feasible hotel room layout, and undertake the very extensive preservation project that has been approved by the Mayor's Agent.

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

(a) The Applicant Has Proposed a Model Preservation Project for Downtown

The Applicant's redevelopment proposal for the subject property has been lauded by the Mayor's Agent for Historic Preservation as innovative downtown preservation. Furthermore, it accomplishes much of the historic preservation policies set forth in the Comprehensive Plan and transcribed in §1707 of the Zoning Regulations. It preserves the unique character and fabric of three contributing buildings in the Downtown Historic District. The Applicant's proposal involves restoration and sensitive adaptive reuse of contributing historic buildings, incorporating them into compatible new construction. Furthermore, it eliminates any threat of additional bulk on these critical frontages to the F Street streetscape. In fact, the Applicant was even requested by the Historic Preservation Review Board to increase the mass of its proposed new construction at 916 F Street, the hotel entrance, from three stories to four in order to cover the scars of an earlier building at 916 F Street left on the east elevation of 918 F Street.

The Comprehensive Plan and §1707.1(c) of the Zoning Regulations further state the policy that building bulk on critical historic frontages and lots with historic buildings be restricted in order to encourage preservation of historic buildings and assure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation. The Applicant's project is in keeping with this policy even though additional density is required in order for the project to reach fruition.

Firstly, the Applicant notes the emphasis placed on "critical" as a modifier both for "historic frontages" and "lots with historic buildings" in §1707.1(c). The Applicant recognizes the critical importance of the F Street streetscape as a unique representation of Washington's early commercial downtown. It is with this significance in mind that the Applicant has gone to such lengths to preserve the main blocks of these historic buildings.

Secondly, the new construction is set back 68' from F Street, and the construction has been designed in a sensitive and compatible architectural language with regard to the historic buildings in front of it as well as those surrounding it in all directions. In addition, this new construction will continue to be refined by continuing conceptual review of the Historic Preservation Review Board.

Finally on this point, the Applicant notes that the project site is surrounded both to its east and west, respectively, by the Riggs Bank Building at 900 F Street and the National Union Insurance Company Building at 918 F Street, historically significant, contributing buildings that are both of greater scale than the three historic buildings that comprise part of the Applicant's project. The new construction aspect of the

Applicant's proposal is quite sympathetic to these neighboring buildings, neither mimicking nor overwhelming them. Furthermore, as a result of the dramatic setback on the subject site, the new construction is largely hidden from view along the F Street streetscape.

(b) The Applicant's Hotel Project Provides a More Suitable Context for the Historic District than Would a Matter-of-Right Office Project

Although the Applicant's hotel project generates a higher FAR than would an office project of the same footprint, the hotel project proposed would actually require an equal, if not smaller, building envelope than would a matter-of-right 6.0 FAR office building. Hotel development operates under a different construction scale than does office space development. Whereas the floor-to-ceiling height in an office project ranges from 10'6" to 11' per floor, hotel development requires only approximately and 8'8" height per floor. Therefore, a hotel can achieve fourteen floors, and comparably more square footage, in the same volume occupied by a 12-story office building. The Applicant thus contends that in the present case, where the Applicant has demonstrated a keen and sensitive attention to historic preservation, FAR is not necessarily the most appropriate indicator of bulk. Rather, as the Mayor's Agent for Historic Preservation has concluded of the Applicant's proposal,

> this project will contribute to the existing character of the historic district, is an adaptation of the site for current use, and ... both the proposed alteration of the existing structures and the proposed new construction are each compatible with the current character of the historic district.

(c) No Substantial Detriment to the Public Good

Finally, the Applicant wishes to note for the Board that relief requested, to allow the generation of a 7.17 FAR hotel in a zone that restricts development to 6.0 FAR for purposes of historic preservation, is appropriate when, as here:
(1) the Applicant has demonstrated significant attention to historic preservation and meaningful adaptive reuse; (2) the actual building envelope might increase were the Applicant to propose a matter-of-right office development; (3) excluding the FAR devoted to the atrium, the three restored historic buildings and the portion of the newly constructed below-grade level that must count toward FAR as a result of the slope in grade, the Applicant's FAR total would measure only 6.08 FAR. Also, the Applicant suggests that one of the four current lots constituting the subject property, Lot 828, has been deemed non-contributing by the Historic Preservation Review Board and arguably should be removed from the list of affected properties in §1707.4. Were that accomplished, development on that lot would be permitted to a level of 8.5 FAR and the total permitted FAR would increase by approximately 10,650 square feet.

For all the above reasons, variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent of the zone plan.

VI.
Witnesses

A. R. Donahue Peebles, Applicant.

B. Richard Matloff, Hotel Feasibility and Development.

C. Peder Sulerud, Brennan Beer Gorman, Architect.

D. Anne H. Adams, Wilkes Artis, Chartered, Architectural Historian.

E. Steven E. Sher, Director of Zoning Services, Wilkes Artis, Chartered.

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

WILKES ARTIS, CHARTERED

By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

Dennis R. Hughes
1666 K Street, N.W., Suite 300
Washington, D.C. 20006
(202) 457-7800

June, 2000
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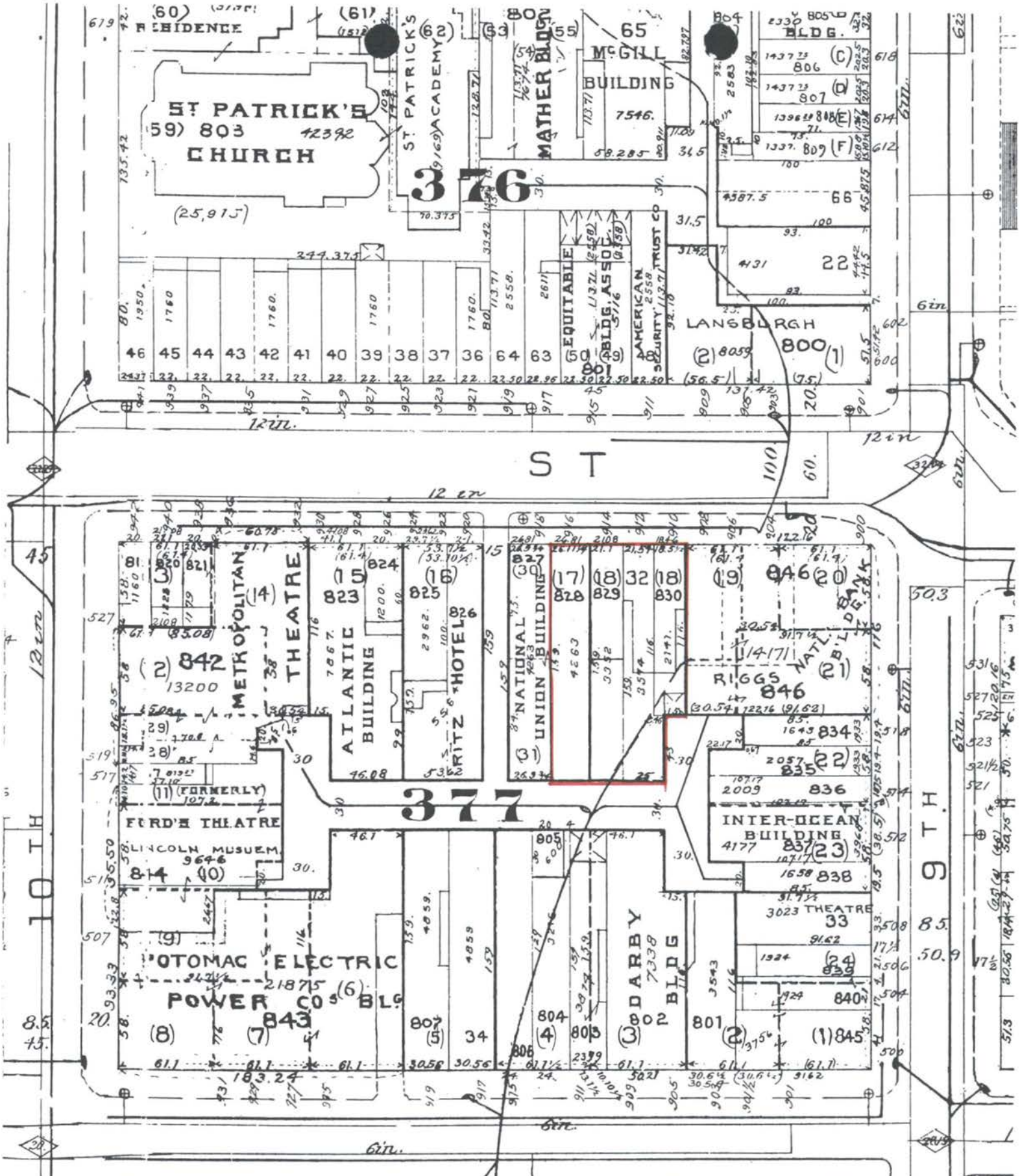
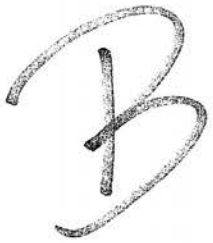


Exhibit A
A Portion of the Baist Map
Showing the Subject Property
Outlined in Red



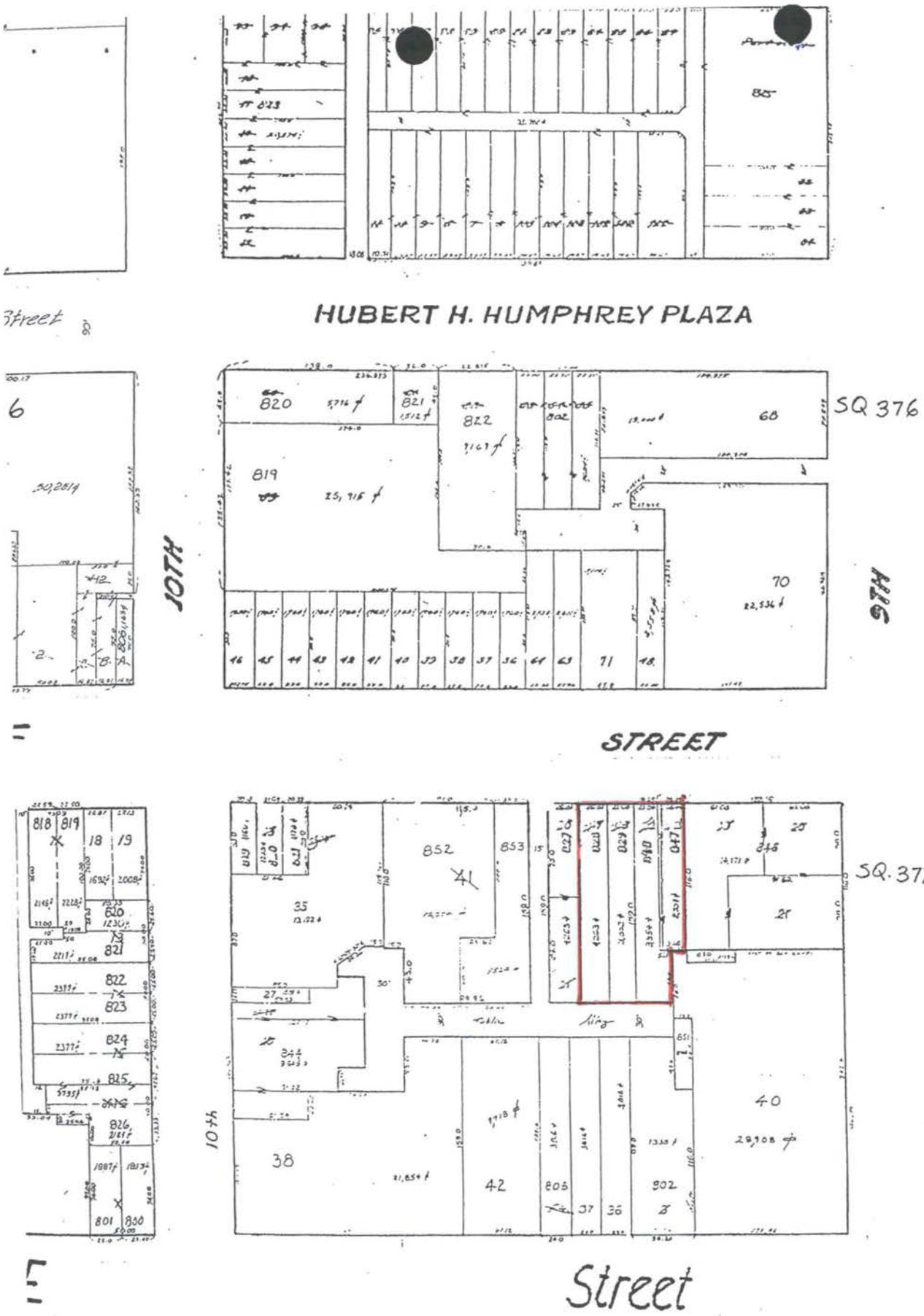
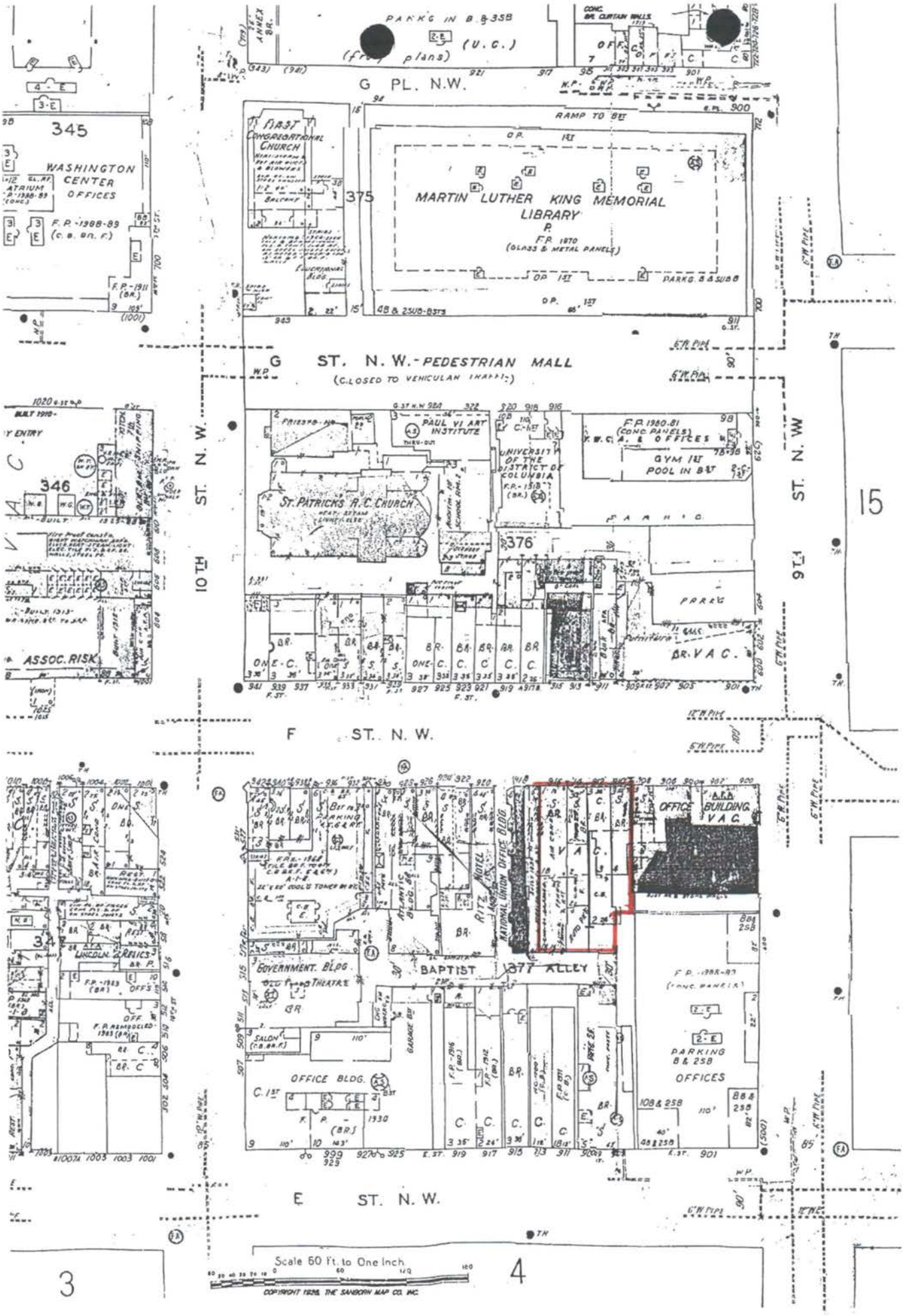


Exhibit B
A Portion of the Sanborn Atlas
Showing the Subject Property
Outlined in Red


G PL. N.W.
345
WASHINGTON CENTER OFFICES
FIRST CONGREGATIONAL CHURCH
375
MARTIN LUTHER KING MEMORIAL LIBRARY
G ST. N.W. - PEDESTRIAN MALL
(CLOSED TO VEHICULAR TRAFFIC)
10TH ST. N.W.
9TH ST. N.W.
15
346
ST. PATRICKS R.C. CHURCH
PAUL VI ART INSTITUTE
UNIVERSITY OF THE DISTRICT OF COLUMBIA
376
F ST. N.W.
ASSOC. RISK
BR. V.A.C.
OFFICE BUILDING V.A.C.
RITZ MOTEL
NATIONAL UNION OFFICE BLDG.
ATLANTIC BLDG.
GOVERNMENT BLDG.
BAPTIST
377 ALLEY
OFFICE BLDG.
PARKING
OFFICES
E ST. N.W.
3
4
Scale 60 ft. to One Inch
COPYRIGHT 1988, THE SANBORN MAP CO. INC.

C

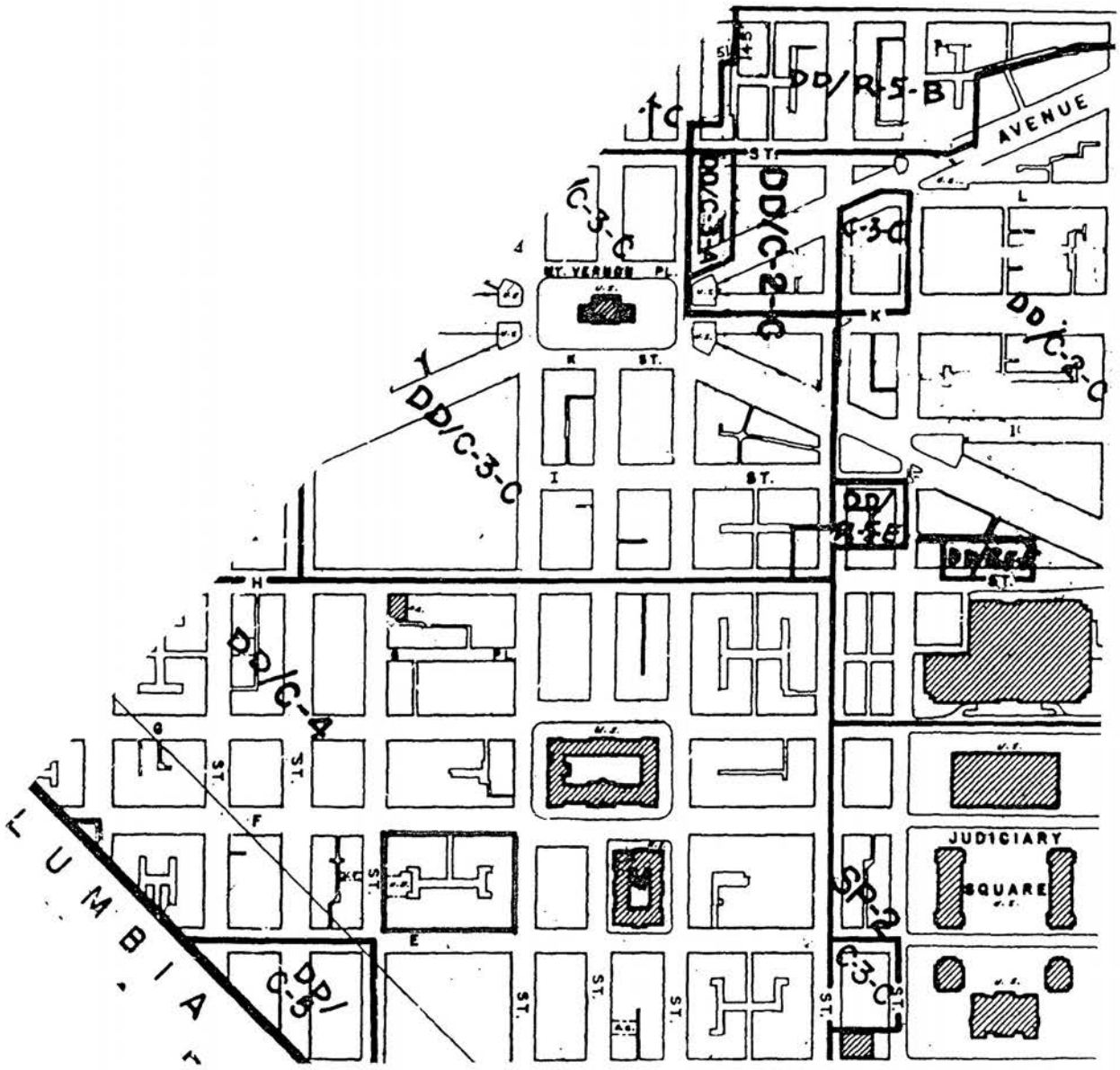
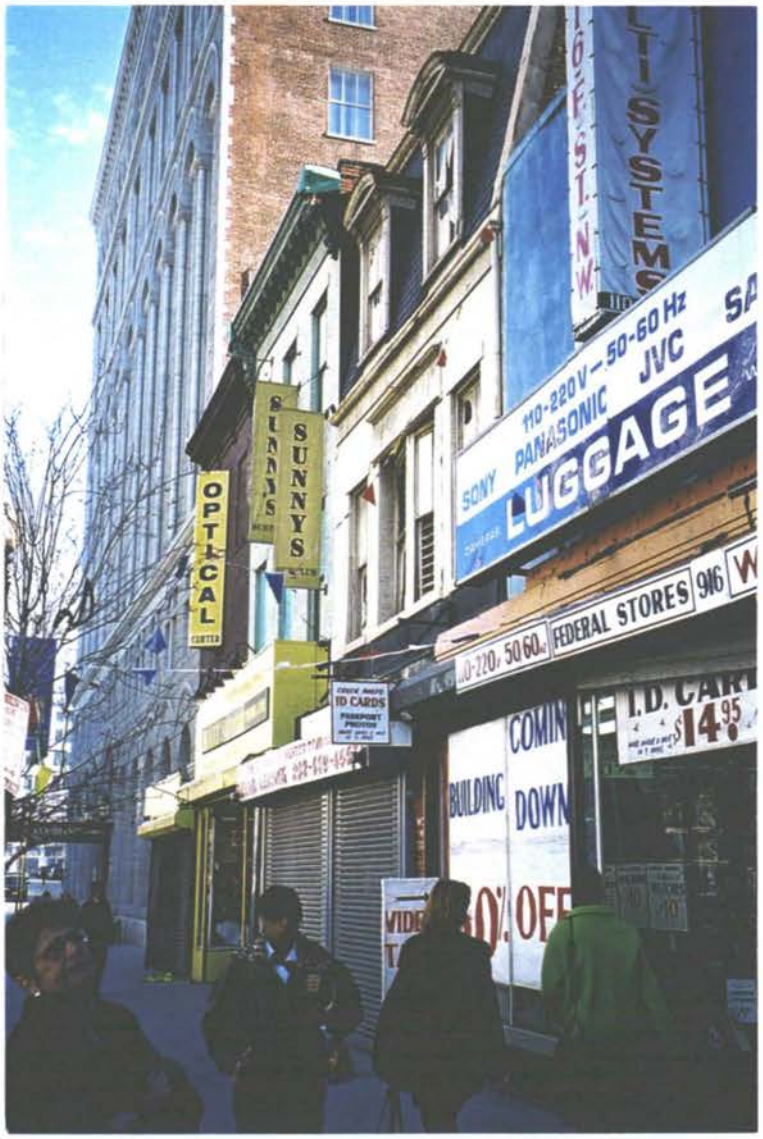


Exhibit C
A Portion of the Zoning Map
Showing the Subject Square
Outlined in Red





View of Subject Property from F Street, N.W.

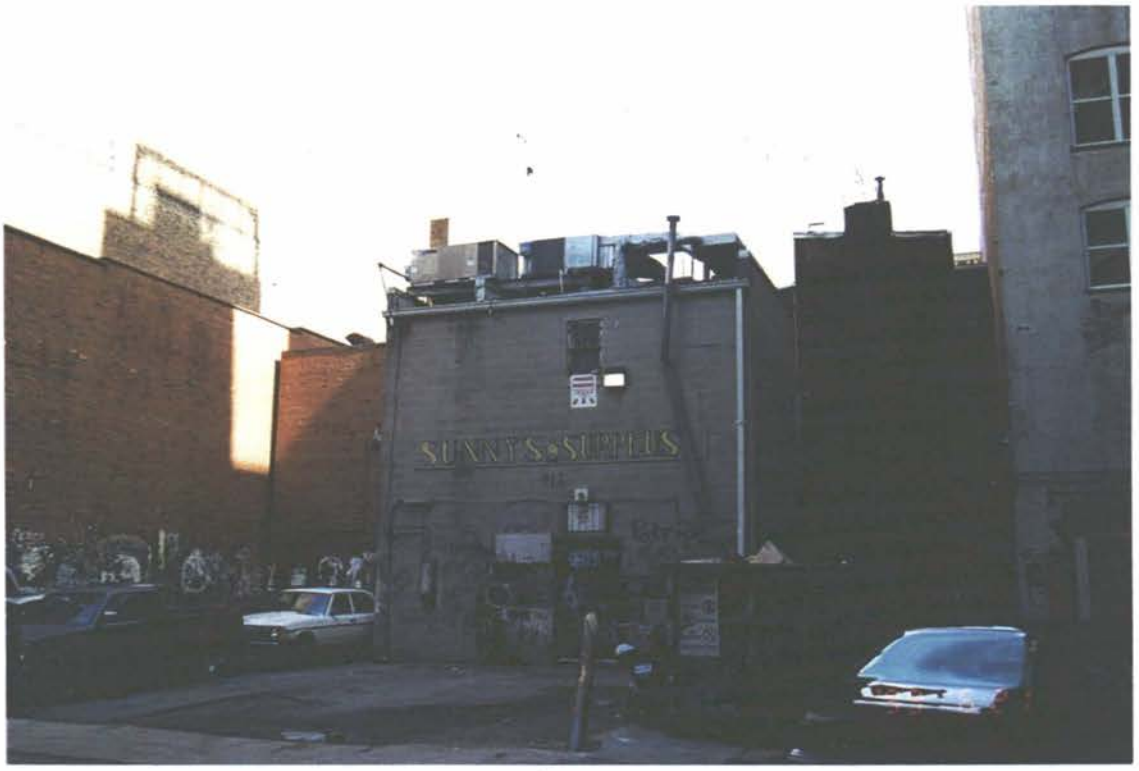
Exhibit D

Photographs of the Subject Property
and Surrounding Properties

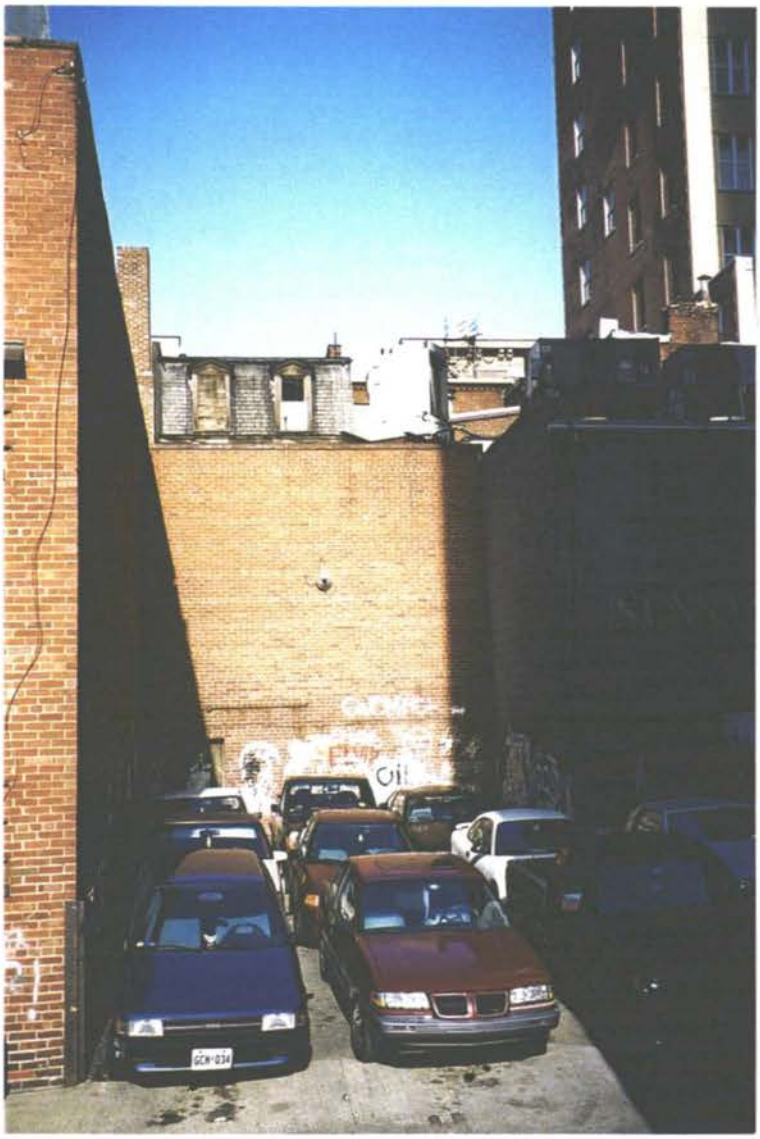


910 F 912 F 914 F 916 F

View of Subject Property from F Street, N.W.



View of Subject Property from Public Alley in Square 377



View of Subject Property from Public Alley in Square 377



View of Subject Property South into Public Alley



Outline of Testimony of
R. Donahue Peebles
Representative of 912 F Street Associates, LP

I. INTRODUCTION

A. General description of 912 F Street Associates, L.P.
B. Professional background in rehabilitation of historic properties

II. BRIEF OVERVIEW OF DEVELOPMENT HISTORY OF THE SITE

III. BRIEF OVERVIEW OF THE HOTEL PROJECT

IV. CONCLUSION

Exhibit E



Outline of Testimony of
Richard Matloff,
Hotel Feasibility and Development

I. **INTRODUCTION AND PROFESSIONAL QUALIFICATIONS**

II. **NATURE OF PROJECT**

III. **OVERVIEW OF HOTEL MARKET**

IV. **DESIGN AND FUNCATIONAL CONSTRAINTS**

- A. FAR Loss Due to Parking and Loading
- B. Court Area
- C. Complexity of Historic Preservation

V. **CONCLUSION**

Exhibit F

Outline of Testimony of
Peder Sulerud, Architect
Brennan Beer Gorman Monk

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

A. Overview of Site, Surrounding Area and Land Use
B. Site Planning – interior lot location, grade change, rear lot line, public sewer
C. Historic Preservation

III. PROJECT DESIGN

A. Design Considerations
   1. Shape and Location of Property
   2. Preservation of Historic Buildings
   3. Grade Change
B. Review of Mass and Height of Building
C. Floor Plans
D. Access, Parking and Loading

IV. CONCLUSION

Exhibit G

H

Outline of Testimony of
Anne H. Adams
Architectural Historian

I. INTROUDCTION

II. DESCRIPTION OF THE BUILDINGS AND THEIR SIGNIFICANCE TO THE F STREET STREETSCAPE AND THE DOWNTOWN HISTORIC DISTRICT

III. DESCRIPTION OF EXTENSIVE PRESERVATION ASPECTS OF THE PROJECT

A. Entire Historic Building Retained at 914 F Street
B. Main Blocks of 910 and 912 F Street to be Retained
C. Restoration of Historic Facades
D. Retention and Restoration of Significant Fabric in Front Second Floor Room of 914 F Street
E. Appropriate Adaptive Reuse
F. Atrium Creates Additional Setback Between Historic Buildings And New Construction
G. Archaeology
H. Nature of New Construction

IV. EVALUATION OF PROJECT'S COMPATIBILITY WITH F STREET AND THE DOWNTOWN HISTORIC DISTRICT

Exhibit H

I

Outline of Testimony

BZA Application No. 16581
910-916 F Street, N.W.

Steven E. Sher
Director of Zoning Services
Wilkes Artis, Chartered

I. Site location and description

II. Description of surrounding area

III. Existing zoning: DD/C-4

- A. Uses
- B. Height
- C. Density
- D. Rear yard
- E. Side yard
- F. Parking
- G. Overlay requirements

IV. Proposed development

V. Relief required - variance from the FAR requirements

VI. Standards for a variance (§3103.2)

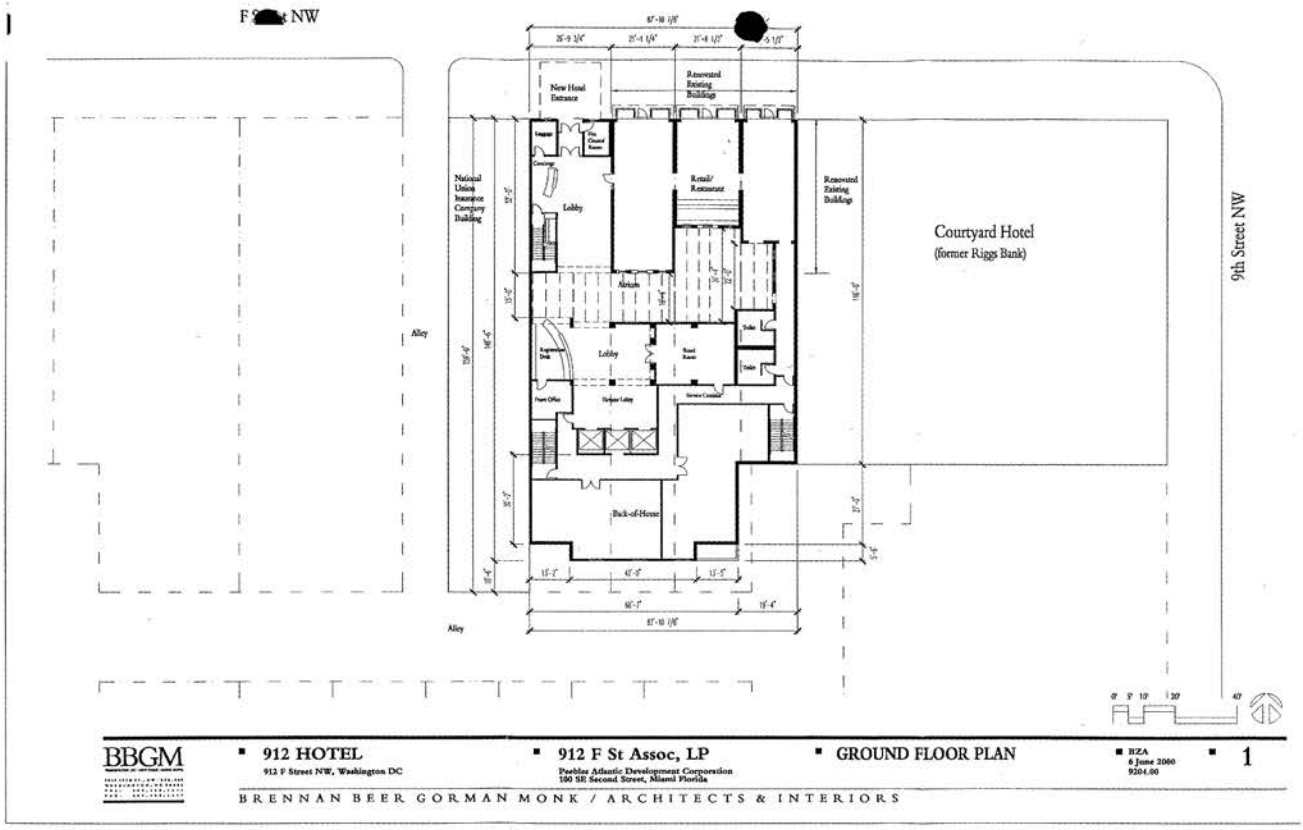
VII. Compliance with the variance standards

- A. Exceptional or extraordinary situation or condition
- B. Practical difficulty
- C. No detriment to the public good

VIII. Conclusions

Exhibit I





BBGM

■ 912 HOTEL
912 F Street NW, Washington DC

■ 912 F St Assoc, LP
Pueblo Atlantic Development Corporation
100 SE Second Street, Miami Florida

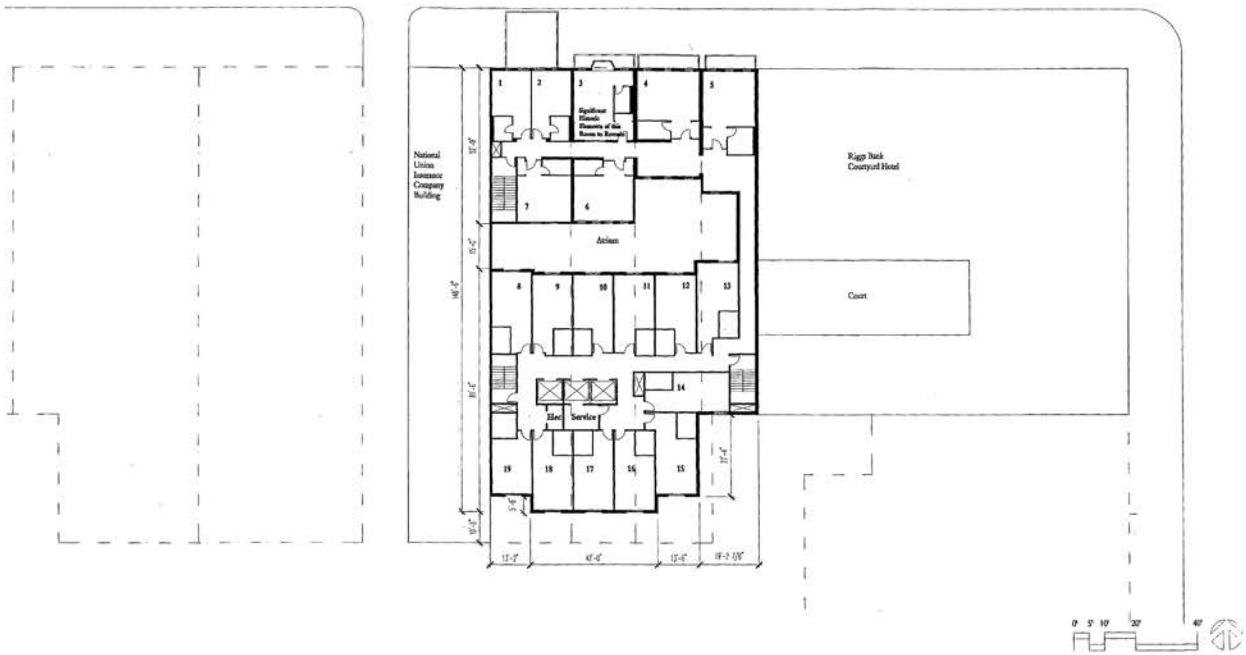
■ GROUND FLOOR PLAN

■ BZA
6 June 2000
9204.00

■ 1

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS

Exhibit J
Architectural Plans



BBGM

■ **912 HOTEL**
912 F Street NW, Washington DC

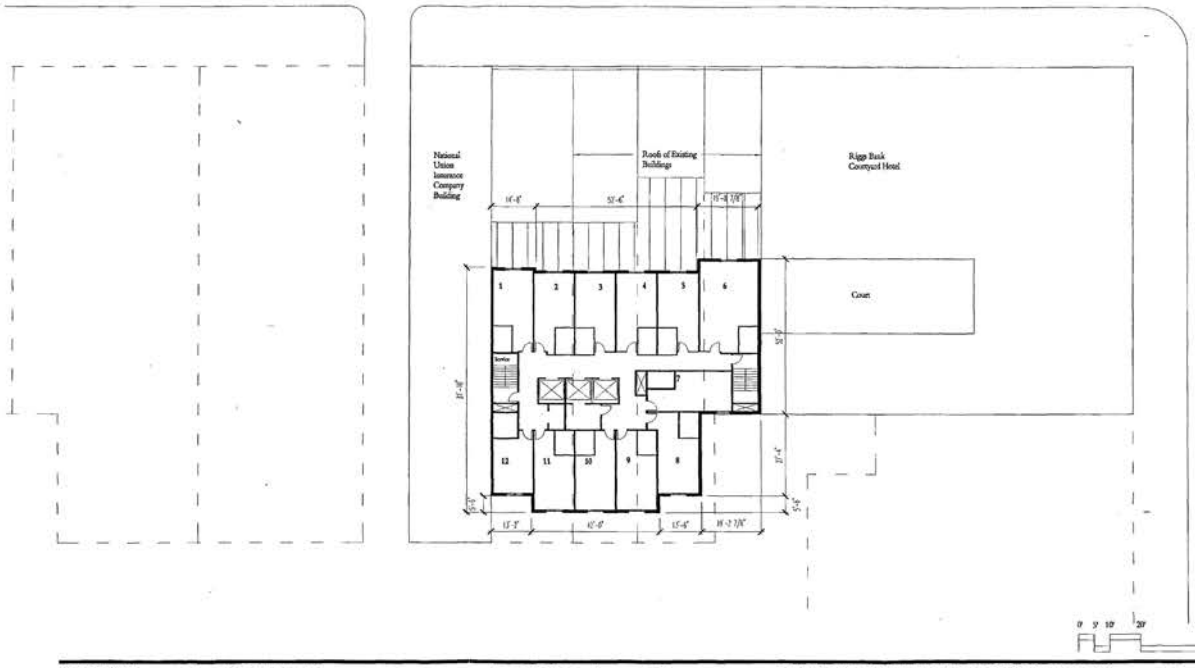
■ **912 F St Assoc, LP**
Peebles Atlantic Development Corporation
100 SE Second Street, Miami Florida

■ **2nd & 3rd FLOOR PLAN**

■ BZA
6 June 2000
9204.00

■ 2

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



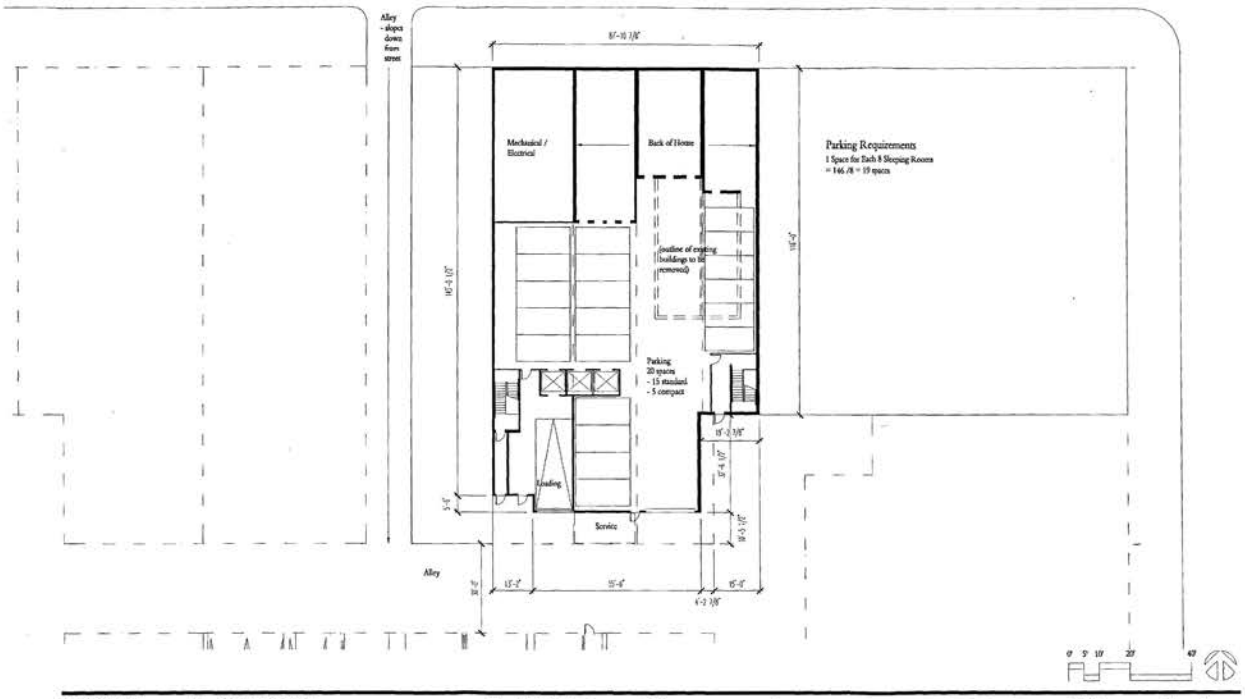
BBGM

■ **912 HOTEL**
912 F Street NW, Washington DC

■ **912 F St Assoc, LP**
Peebles Atlantic Development Corporation
100 SE Second Street, Miami Florida

■ **TYPICAL GUEST LEVEL FLOOR PLAN** ■ BZA 6 June 2000 9204.00 ■ **3**

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



BBGM

■ **912 HOTEL**
912 F Street NW, Washington DC

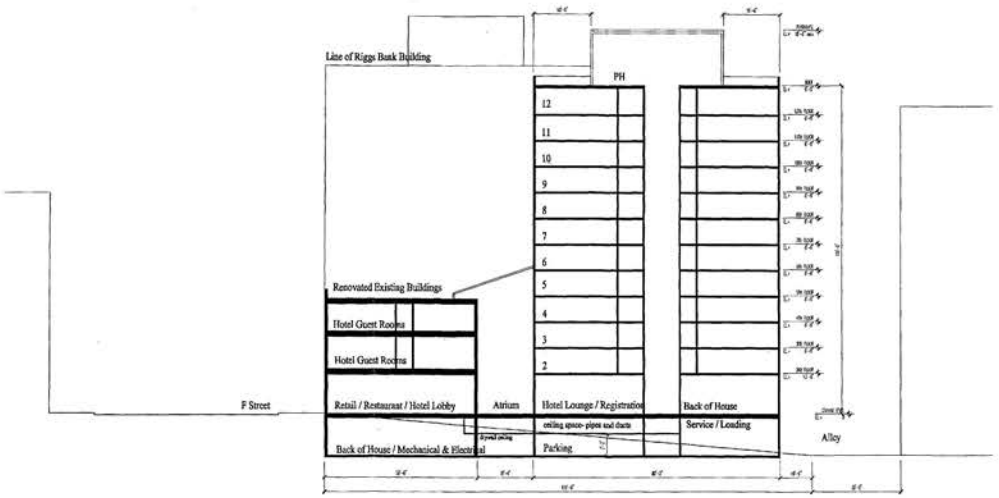
■ **912 F St Assoc, LP**
Peebles Atlantic Development Corporation
100 SE Second Street, Miami Florida

■ **PARKING LEVEL FLOOR PLAN**

■ **BZA**
6 June 2000
9204.00

■ **4**

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



0' 5' 10' 20' 40'

BBGM

- **912 HOTEL**
  912 F Street NW, Washington DC
- **912 F St Assoc, LP**
  Pebble Atlantic Development Corporation
  100 SE Second Street, Miami Florida
- **SECTION**
- BZA
  6 June 2000
  9204.00
- 5

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



9th Street Northwest	Former Riggs Bank Building Courtyard by Marriott	Existing Buildings Facades Restored to Cir. 1900	New Hotel Entrance	National Union Bldg	Alley

0' 5' 10' 20' 40'

BBGM

■ **912 HOTEL**
912 F Street NW, Washington DC

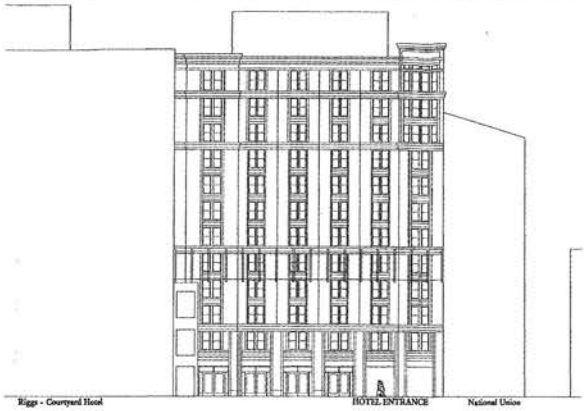
■ **912 F St Assoc, LP**
Peebles Atlantic Development Corporation
100 SE Second Street, Miami Florida

■ **F STREET ELEVATION** (North Elevation)

■ BZA
6 June 2000
9204.00

■ **6**

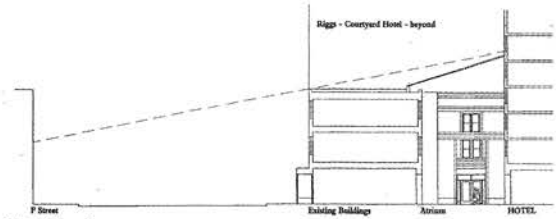
BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



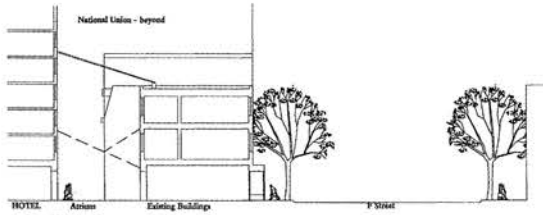
North Elevation



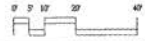
South Elevation



West Elevation



East Elevation



BBGM

- 912 HOTEL
  912 F Street NW, Washington DC
- 912 F St Assoc, LP
  Peebles Atlantic Development Corporation
  100 SE Second Street, Miami Florida
- ATRIUM ELEVATIONS
- BZA
  6 June 2006
  9204.00
- 7

BRENNAN BEER GORMAN MONK / ARCHITECTS & INTERIORS



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF ADJUDCIATION
941 NORTH CAPITOL STREET, N.E., SUITE #9100
WASHINGTON, D.C. 20002

IN THE MATTER OF	:	
910 F Street, N.W.	:	**H.P.A. # 00-110, 00-111**
912 F Street, N.W.	:	

912 F Street Associates, L.P.
Property Owner and Applicant

FINAL DECISION AND ORDER

BACKGROUND

On April 4, 2000, this matter came before the Honorable Rohulamin Quander, Administrative Law Judge and the Mayor's Agent for Historic Preservation, (the Mayor's Agent), for D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978, codified at D.C. Code, Section 5-1001, et seq. (1994 repl.) (the "Act"), and pursuant to D.C. Code, Sec. 5-1004(c), based on applications for partial demolition of the buildings located at 910 and 912 F Street, N.W., Lots 847 and 848, respectively, in Square 377. Upon receipt of the Applicant's Proposed Findings of Fact and Conclusions of Law, the record closed on April 14, 2000.

Persons present and testifying on behalf of the Applicant at the hearing were: R. Donahue Peebles, owner and developer, representing 912 F Street Associates, L.P. (the Applicant); Peder A. Sulerud of Brennan Beer Gorman Monk/Architects, project architect and witness for the Applicant; and Anne Adams of Wilkes Artis, Chartered, Architectural Historian. The Applicant was represented by Norman M. Glasgow, Jr., Esq. of Wilkes Artis, Chartered. Also present but not testifying were: Stephen Raiche and David Maloney, Historic Preservation Division staff, DCRA; Mark Boekenheid, Architect; and Joseph Schechtel, the site owner's representative.

Because the project site is located within a designated historic district, the applications were referred to the Historic Preservation Review Board (the Board)

for its review and recommendation, pursuant to D.C. Code Section 5-1004(b). At its November 18, 1999, meeting, the Board reviewed in concept the Applicant's proposal to construct a new hotel at 910 – 916 F Street, N.W., on the south side of the street, between the old Riggs Bank Building (now a Courtyard by Marriott Hotel) and the National Union Building.

As noted in the Board's Staff Report and Recommendation:

> The proposed development would combine preservation and new construction. The main portions of the three old rowhouses [at 910, 912, and 914 F Street, N.W.] would be preserved. The non-contributing structure [916 F Street, N.W.] and the two-story rear wings of the three rowhouses would be demolished. A twelve-story hotel would be built behind the rowhouses, spanning the full width of the combined lots. A low entrance wing would replace the non-contributing building [at 916 F Street, N.W.] and there would be an atrium between the historic buildings and the new high-rise. The historic buildings would be rehabilitated as part of the hotel.

The Staff further stated that this proposal promises to become a model preservation project for downtown, and after several other favorable comments, the Staff Report concluded with noting that the staff is fully supportive of this approach.

The Staff then recommended that "the Board support the project in concept, and encourage the project team to return to the Board as plans develop." At this meeting, the Board adopted its Staff Report and Recommendation.

The Applicant returned to the Board on December 16, 1999, for approval of a subdivision, further conceptual approval of the project, and for consideration of raze and partial demolition applications. The Staff recommended that "the Board find that demolition of 916 F Street, the brick rear addition at 914 F Street, and the concrete block rear addition at 912 F Street (all non-contributing structures), is consistent with the purposes of the preservation law." , and that the Applicant continue developing conceptual plans for the new hotel, with the notion of maximizing incorporation of historic features into the project and that the Board approve the undertaking of archaeological investigations on the site. The Board adopted its Staff Report and Recommendation, including recommending approval of the proposed subdivision.

The Applicant returned to the Board on January 27, 2000, for further conceptual review of its hotel project and for consideration of partial demolition applications for the rear wings of 910 and 912 F Street. At that time, the Staff recommended that the Board find the proposed partial demolition *not* (emphasis added) consistent with the purposes of the Act, and also recommended that the Board reaffirm its prior action encouraging the Applicant to continue developing

the conceptual plans with the aim of incorporating maximum preservation of historic features into the project. However, the Board specifically elected not to adopt its Staff Report and Recommendation regarding the partial demolition. Rather, the Board found that the partial demolitions were consistent with the purposes of the Act, and the demolition applications were forwarded to the Mayor's Agent for consideration.

As a preliminary matter, the Applicant was granted permission to substitute into the record a corrected page 75 of the Transcript of the Board's January 27, 2000, meeting which clearly reflected the Board's action of approving the proposed demolition as consistent with the purposes of the Act.

FINDINGS OF FACT

Based on the evidence presented and the record as a whole, the Mayor's Agent makes the following findings of fact:

1. These two applications seek partial demolition of structures on Lots 847 and 848 in Square 377, known as 910 and 912 F Street, N.W., respectively, located on the south side of F Street between 9th and 10th Streets, in the Downtown Historic District. These partial demolitions are sought for the purpose of incorporating three late-nineteenth century buildings, at 910, 912 and 914 F Street, into a proposed hotel development. The Board has made a recommendation to the Mayor's Agent that the proposed partial demolitions are consistent with the purposes of the Act.

2. R. Donahue Peebles testified on behalf of the Applicant. Based upon his testimony, the Mayor's Agent makes the following Findings of Fact:

a) The Applicant has a history, both in the District of Columbia and in other jurisdictions, of preservation, rehabilitation, and restoration of historically significant buildings, including most recently converting the landmark Riggs Bank Building (located immediately adjacent to this site) into a Courtyard by Marriott Hotel; and

b) The instant project for which partial demolitions are sought and deemed to be necessary was initiated as an office development, providing only for preservation of the facades of 910-914 F Street. However, the Applicant significantly changed its proposal, both in terms of program (from office to hotel) and scope of preservation. The present design for the project seeks to incorporate all of the existing historic fabric at 914 F Street, and all but the secondary rear wings of 910 and 912 F Street, N.W.

3. The Applicant's architect, Peder A. Sulerud, who was qualified as an expert in architecture, presented the plans for the project as reviewed by the Board, and

testified as to the physical limitations of the site, the proposed project for the site, the building mass and density, and the design constraints of the project. Based upon his testimony, the Mayor's Agent makes the following Findings of Fact:

a) The site is intended to be developed as a twelve-story hotel;

b) The main blocks of the three historic buildings at 910, 912 and 914 F will be preserved and the non-contributing building at 916 F Street will be demolished and replaced with sympathetic infill construction to provide an entrance to the project;

c) The retained blocks of the historic buildings will be separated from the hotel tower by a glass atrium;

d) The three historic buildings will be utilized as public spaces at the ground level and as hotel rooms on the upper levels;

e) New construction will be set back from the streetscape and is designed in a very background-oriented manner, sympathetic to its historic surroundings, and will be largely hidden from view at street level by the old Riggs Bank Building to its east and the National Union Building to the west;

f) In order to support this high level of preservation; to provide an economically feasible room arrangement for the hotel; and to address such design constraints as an unusually configured rear lot line, a public sewer line running diagonally across the properties, and a significant grade change from north to south, the Applicant cannot both provide the necessary interior functions and components of the project, *and* (emphasis added) also retain the rear wings of 910 and 912 F Street;

g) These same physical constraints greatly challenge the necessity required of providing on-site parking, and consequently portions of the Applicant's loading area and parking level are included in the Floor Area Ratio ("FAR"), which is very unusual in the District, and is the result of a steep fall in grade, from north to south, affecting the site;

h) Because of the unusual rear lot line configuration, the Applicant is unable to use all of its rear lot without detrimental impacts on its interior configurations; and

i) In order to construct a viable project, with its significant preservation elements, including archaeological work, the proposed

project will exceed the density allowed under the Zoning Regulations by approximately 1.0 FAR.[1]

4. The Applicant's Architectural Historian, Anne Adams, who was qualified as an expert in architectural history and historic preservation, discussed the context of the buildings located at 910-916 F Street, N.W., their history, and the nature of their contributions to the historic district. Based upon her testimony, the Mayor's Agent makes the following Findings of Fact:

a) The buildings, while originally constructed as residences, have been used for commercial purposes for most of their existence;

b) 910 F Street was constructed circa 1867, but was converted to retail use within little more than a decade; 912 F Street was constructed circa 1875, but was converted to commercial use by the early 1890s. The Applicant's proposal with regard to these two buildings is in keeping with the commercial history of these buildings;

c) Regarding the appearance and condition of the rear wings of 910 and 912 F Street, N.W., the secondary parts of these buildings were built of brick, with little design articulation or expression, and are not part of the F Street public aspect of the buildings, and thus have not and do not make a contribution to the F Street streetscape within the Downtown Historic District as one of the city's early commercial/retail streets;

d) She submitted several photographs documenting those alterations to the rear wings, much of which can be seen from the outside, and also discussed the removal of the west wall of the second floor of 912 F Street and portions of other walls that have occurred as part of various commercial renovations of the building. The poor condition of the wings, especially at 910 F Street, and associated structural problems were also visible in the photographs; (Applicant's Exhibits #2-a through 2-t)

e) The preservation benefits of the Applicant's proposal are significant, including retention of the main block of three contributing buildings in the Downtown Historic District, appropriate adaptive reuse of those buildings and the retention of significant historic fabric, including the intact features of the front second floor room of 914 F Street, restoration of facades utilizing the best available documentation, archaeological investigation of the site, and a sensitive design relationship between the historic buildings and new construction; and

[1] Presumably a BZA variance would be required in order to construct this project in the manner described.

f) The proposed demolitions are consistent with the purposes of the Act because: 1) they allow for the construction of a project that retains and enhances the portions of 910 and 912 F Street, N.W., that contribute to the character and significance of the F Street retail corridor and adapts them for current use; 2) the proposed restoration of the facades is compatible with the character of these historic buildings; and 3) the proposed new construction is compatible with the character of the Downtown Historic District.

5. No representatives of public agencies appeared at the hearing. A letter of support from Advisory Neighborhood Commission 2-C was introduced into the record as Applicant's Exhibit #5, which letter reflected that, at its December 1, 1999, meeting, ANC 2-C, by a vote of four (4) in favor, zero (0) opposed, unanimously passed a resolution supporting the project as consistent with the preservation law.

6. There was no opposition noted in the record, and none stated at the hearing.

DISCUSSION

Jurisdiction

This historic preservation case was referred to the Mayor's Agent, accompanied by the Applicant's request for an administrative hearing, upon the Board's recommendation to the Mayor's Agent that the partial demolition applications were consistent with the purposes of the Act, and as such, should be approved.

D.C. Code, Sec. 5-1004 sets forth the Mayor's authority (which has been delegated to the Mayor's Agent) and procedures with respect to issuing demolition permits. Before the Mayor may issue a permit to demolish a historic landmark or a contributing building or structure in a historic district, the Mayor shall review the permit application in accordance with D.C. Code, Sec. 5-1004. Sec. 5-1004(c) provides, in pertinent part, that the "Mayor shall, after a public hearing, make the finding required by subsection (e) of this Section." Further, Sec. 5-10004(e) provides that, "[n]o permit shall be issued unless the Mayor finds that issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in unreasonable economic hardship to the owner."

Necessary in the Public Interest

In the instant case, the Applicant is requesting demolition permits as consistent with the purposes of the Act and as necessary in the public interest. "Necessary in the public interest" is a term of art defined in D.C. Code, Sec. 5-

1002(10), as meaning "consistent with the purposes of this subchapter as set forth in Sec. 5-1001(b).

Section 5-1001(b) specifies the purposes of the subchapter with respect to properties in historic districts as:

> "(A) To retain and enhance those properties which contribute to the character of the historic district and to encourage their adaptation for current use;
>
> (B) To assure that alterations of existing structures are compatible with the character of the historic district; and
>
> (C) To assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district."

Based upon this enunciated standard, the proposed partial demolitions of the rear wings of the buildings at 910 and 912 F Street, N.W., meets these tests, as has been determined in the Findings of Fact, and this position should be adopted by the Mayor's Agent as his official conclusion.

CONCLUSIONS OF LAW

Based upon the total record herein, including the testimonial evidence, and the many documents submitted by the Applicant as a part of its case, the Mayor's Agent concludes that:

1. The Applicant has sustained its burden of proof, in that the issuance of partial demolition permits in this case is necessary in the public interest and is consistent with the purposes of the Act.

2. The Mayor's Agent further concludes that the proposed partial demolitions of the rear wings of the buildings at 910 and 912 F Street, N.W., meets the legal standards for obtaining a demolition permit as enunciated in D.C. Code, Sec. 5-1004, and that the Applicant should be granted the demolition permits sought by this application.

3. The Mayor's Agent further concludes that imposing a requirement that would force the retaining of the rear wings of the two contributing buildings of 910 and 912 F Street to be preserved, would render the project economically infeasible, but that conversely, the effect of preserving the main block of the three contributing buildings (910, 912, and 914 F Street, N.W.), and the impact on the project of the proposed atrium separating the retained buildings from the hotel tower, will contribute significantly to making the project economically viable and would likewise support the extensive preservation benefits of the project.

4. The Mayor's Agent further concludes that the granting of this application is necessary in the public interest as described in relevant part at D.C. Code, Sec. 5-1001(b), noting that this project will contribute to the existing character of the historic district, is an adaptation of the site for current use, and that both the proposed alternation of the existing structures and the proposed new construction are each compatible with the current character of the historic district.

ORDER

The foregoing having been considered, it is this **23rd day of May, 2000,**

ORDERED that the petition for partial demolition of 910 and 912 F Street, N.W., H.P.A. Nos. 00-110 and 00-111 is hereby, **GRANTED,** as necessary in the public interest and consistent with the purposes of the Act.

Rohulamin Quander,
Administrative Law Judge, D.C., and
Mayor's Agent for Historic Preservation

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2000, that I mailed or otherwise caused to be delivered the foregoing Decision and Order by regular U.S. first class mail or D.C. Government Interoffice mail to the following persons:

912 F Street Associates, Applicant
C/o Norman M. Glasgow, Esquire, and
Dennis R. Hughes, Esquire
Wilkes, Artis, Hedrick, and Lane
1666 K Street, N.W., Suite #1100
Washington, D.C. 20006-2897

Steve Raiche, Chief
Historic Preservation Division, BLRA
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite #2W15
Washington, D.C. 20002

and

Lawrence W. Thomas, Chairman
Advisory Neighborhood Commission, 2C
1200 S Street, N.W., #201
Washington, D.C. 20009

Maurice Jackson
Certifying Officer, DCRA,OAD