GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: September 19, 2001

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16754: 1615 LLL LP for 1615 Rhode Island Avenue, N.W.

The attached Office of Planning report on Application No. 16754 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application at the scheduled public hearing. The application is a request for variances to allow the construction of an addition to a non-conforming structure at 1615 Rhode Island Avenue, N.W., adjacent to Scott Circle.

OP requests that the Board waive its rules to receive the report into the record.

Attachment

aa/sc

BZA
Case No. 16754
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16754
EXHIBIT NO.27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: September 18, 2001

SUBJECT: BZA Application #16754 (Application of 1615 LLL LP)
Governor's House Hotel 1615 Rhode Island Avenue, NW
Square 182N, Lot 11

I. APPLICATION-IN-BRIEF

Applicant:	1615 LLL LP
Relief Sought:	Variances from FAR, Height, Loading Dock, and Parking Requirements for Addition to Non-Conforming Structure
From Section:	11 DCMR §s530, 531, 2201.1, 2115.9
Zoning:	DC/SP-1
Regulations Require:	25 feet less than proposed height (65' vs. 90') 3.7 less FAR than proposed (4.0 vs.7.5) 1 loading dock more (none existing or to be provided) 5 additional parking spaces (49 vs. 44)
Relief Sought Under:	§3103.2

Applicant's Justification: Minimum size for an efficient moderate-sized hotel has increased in the 35 years since existing structure was built. Accordingly, applicant seeks to build an addition to an existing non-conforming structure. The existing structure's height, FAR and number of parking spaces conformed with the SP zoning district regulations in effect when it was constructed in 1963. However, the structure and the use have become non-conforming due to subsequent changes in zoning regulations. The addition would further objectives of Comprehensive Plan and the Generalized Land Use Map, which designates Square as High Density Commercial. Proposed addition has support of ANC 2B. It would not be visible from residential areas to north, and would fit in with height and bulk of facing commercial structures without any harm to area.

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

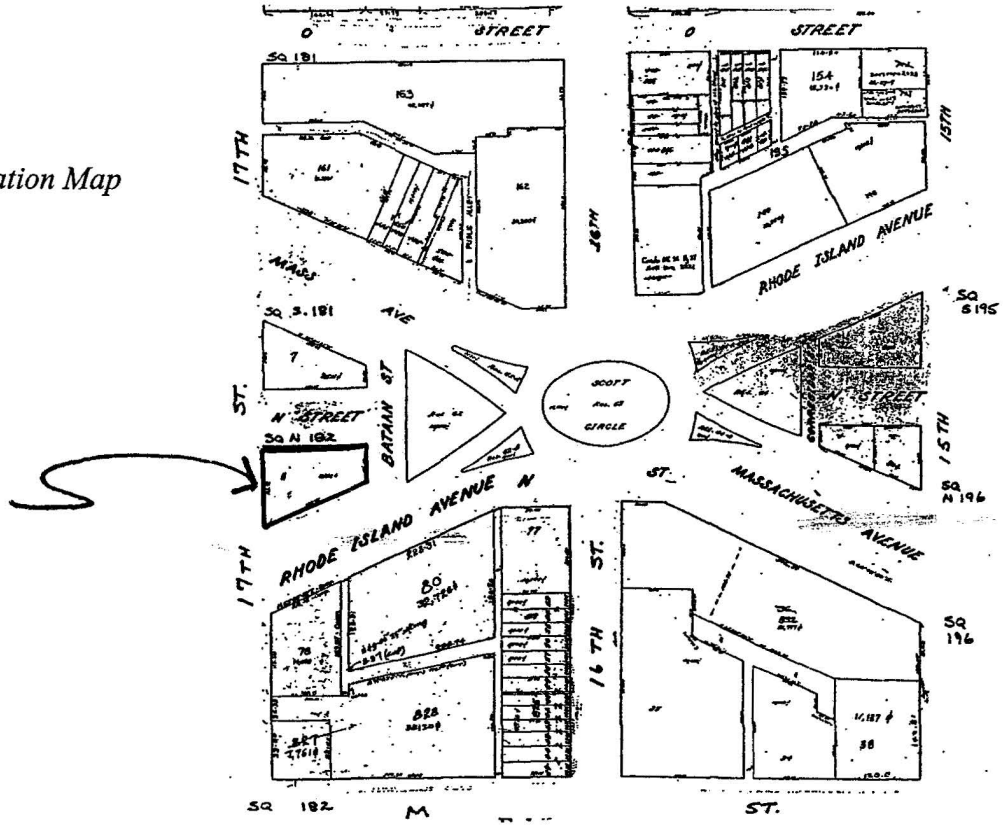
The Office of Planning (OP) recommends that the requests for all variances be APPROVED.

III. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2)*

Square 182N in northwest Washington is bounded by:

- North: N Street
- East: Bataan Street, just west of Scott Circle
- South: Rhode Island Avenue
- West: 17th Street.

Figure 1: Location Map



The Square is generally triangular. There are no alleys.

The Governor's House Hotel occupies the entire private portion of the Square. The hotel is rectangular and is situated to the north, parallel to N Street. A porte cochere, terraces and a pool occupy the rest of the property. Below-ground parking occupies the entire building footprint, as well as adjacent vault space.

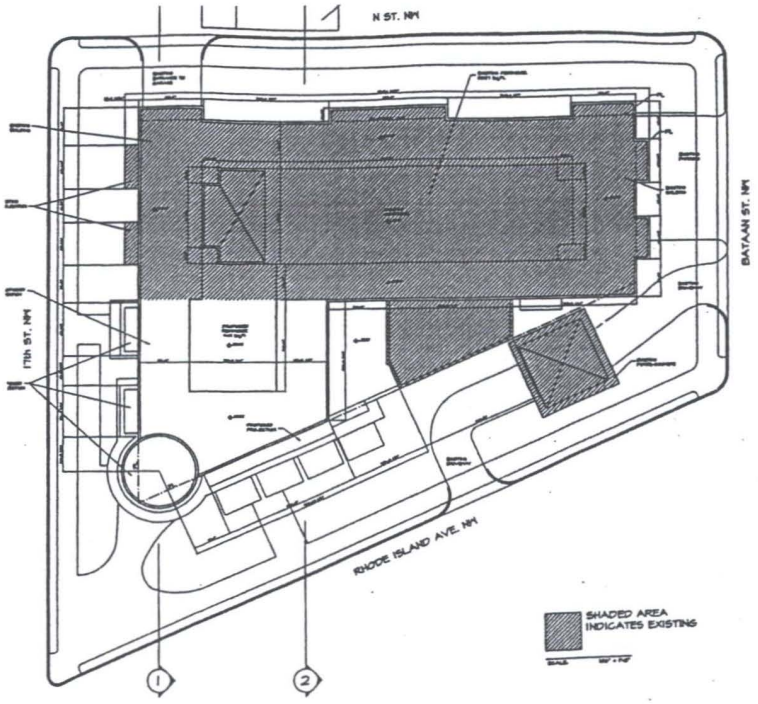


Figure 2: Hotel Site Plan

The hotel has 199 rooms, a restaurant, and minimal function space. It is 90 feet high (nine stories) and comprises 68,450 GSF. There are 44 regulation-sized parking spaces, which are augmented with valet parking and use of vault space, to provide 90 spaces.

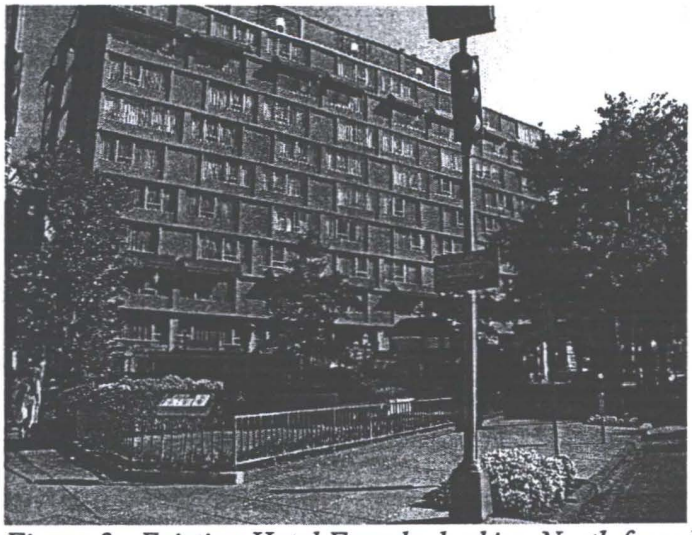


Figure 3: Existing Hotel Facade, looking North from Rhode Island Ave. and 17th Streets

The subject parcel is located adjacent to the southwestern quadrant of Scott Circle, which is at the intersection of 16th Street, Massachusetts and Rhode Island Avenues, and N Street, N.W. It is within, but at the northern edge of, the Central Employment Area, south of Massachusetts Avenue, but on the north side of Rhode Island Avenue. The area contains a rich mix of uses, heights, zoning, and zoning history – much of which is pertinent to this case, and which is described in more detail under the Zoning section of this report.

The blocks south and east of the site are integral parts of the central employment area (CEA) that developed after World War II. The blocks to the north are the generally residential Dupont Circle neighborhood. This neighborhood also has commercial corridors along Connecticut Avenue and a portion of 17th Street.

The dividing line between the CEA and the residential area was set at Massachusetts Avenue in the 1984 District of Columbia Comprehensive Plan. Since then commercial encroachment has generally been held back north of Massachusetts Avenue, with one or two prominent exceptions. The area south of Massachusetts Avenue has become increasingly commercialized, with a combination of infill development and Planned Unit Developments (PUDs) and the conversion of historic buildings from residential to commercial uses.

On its south side, the 1600 block of Rhode Island Avenue contains the eight-story Marriott Courtyard Hotel, the 11 story University of California (U of C) residential and commercial PUD, the proposed 11 story Human Rights Campaign headquarters that the Zoning Commission is considering for Phase 2 of the U of C PUD, and the 9- story B'nai B'rith headquarters. The 1700 block of Rhode Island Avenue contains downtown-sized office buildings on the south, the 90 foot high YMCA on the north, and the 200+ foot St. Matthew's Cathedral and its adjacent approved commercial PUD. To the north, along Massachusetts Avenue, there is a mix of townhouses and mansions that have been converted to embassy and non-profit uses, and eight and nine-story apartment and commercial structures. The Philippines Embassy is across N Street, to the north. Immediately west is the low-scaled 1700 block of N Street.

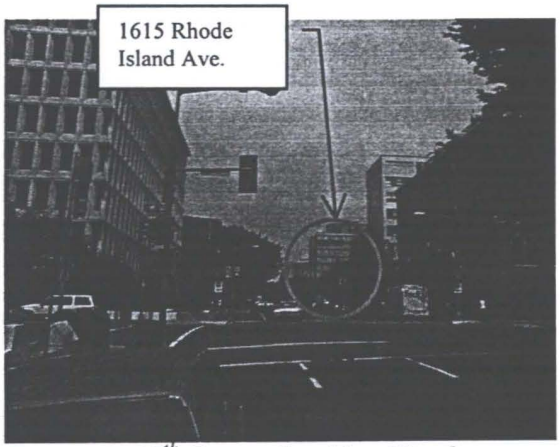


Figure 4: 17th Street, Looking North

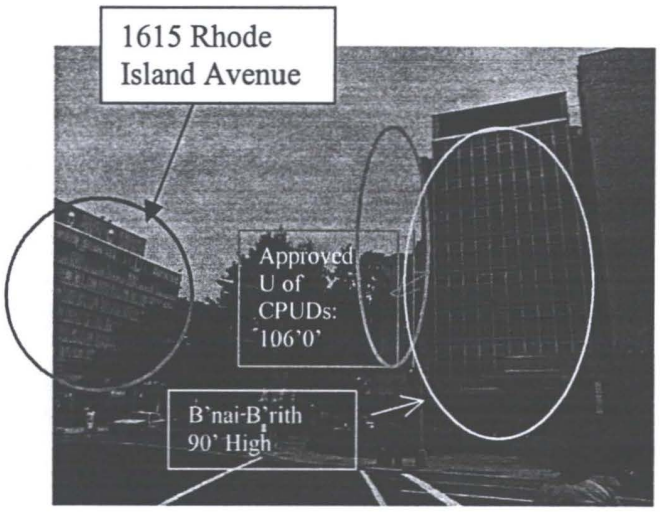


Figure 5: 1600 block Rhode Island Avenue, looking East



Figure 6: Governor's Hse. & Philippines Embassy *Figure 7: 1700 block of N Street, looking West*

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Figures 8 and 9)*

The site is zoned DC/SP-1. "DC" stands for Dupont Circle Overlay, which governs curb cuts and PUDs. The SP-1 zone is a medium density mixed-use zone that permits 4.0 FAR, of which 1.5 may be non-residential.. The matter of right height limit is 65 feet. While hotels had been matter of right uses in the SP zone prior to 1978/79, they are now permitted as special exceptions.

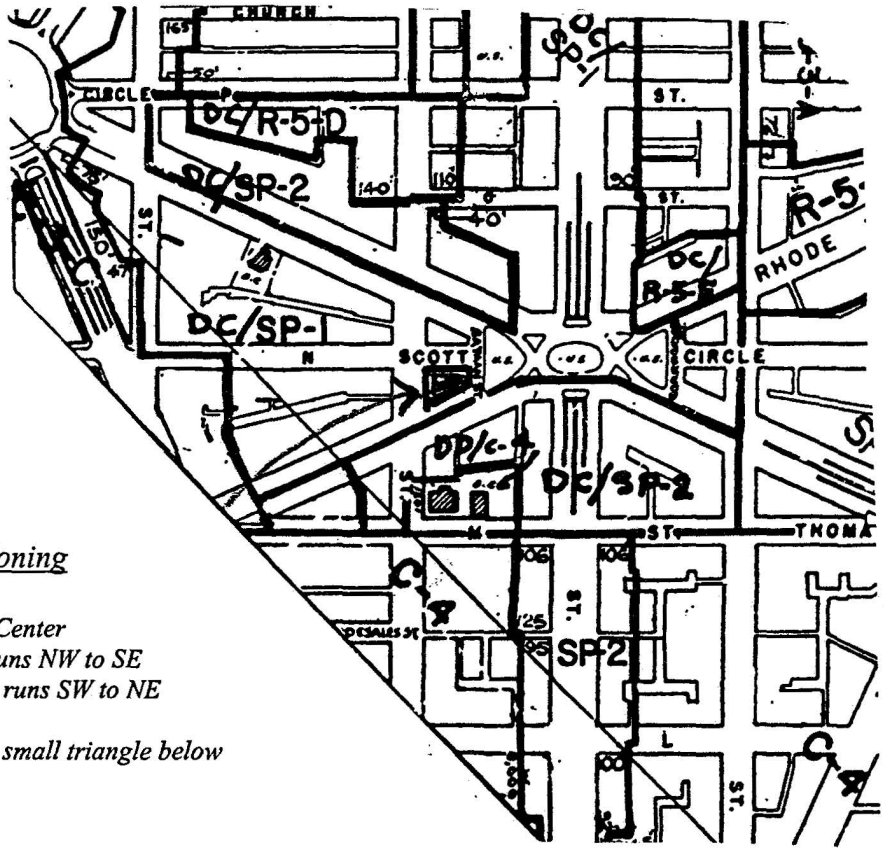


Figure 8: Area Zoning

Scott Circle is at the Center
Massachusetts Ave. runs NW to SE
Rhode Island Avenue runs SW to NE

1615 Rhode Island is small triangle below the word "Scott

The zoning to the north and west is also DD/SP-1. The properties facing the site to the south and east are zoned DD/SP-2 and C-4.

The DD/SP-1 zone covers most of the triangle between the north side of Rhode Island Avenue, the south side of Massachusetts Avenue and the east side of 18th Street, as well as a one building-deep strip along either side of 16th Street between Scott Circle and Q Street. Most of an approximately 110-wide strip of 16th Street from Scott Circle south to Lafayette Square is zoned SP-2, as are two sites on the southern side of the intersection of Rhode Island Avenue and 17th Street. The rest of the area to the south, between Rhode Island Avenue and Pennsylvania Avenue, is zoned C-4 – an intense commercial zone for the central business district.

The site is not within an historic district, although the southern portion of the Dupont Circle historic district is directly west, across 17th Street, from the northwestern edge of the subject property. There are many nearby structures and public memorials that have acquired individual historic designation.

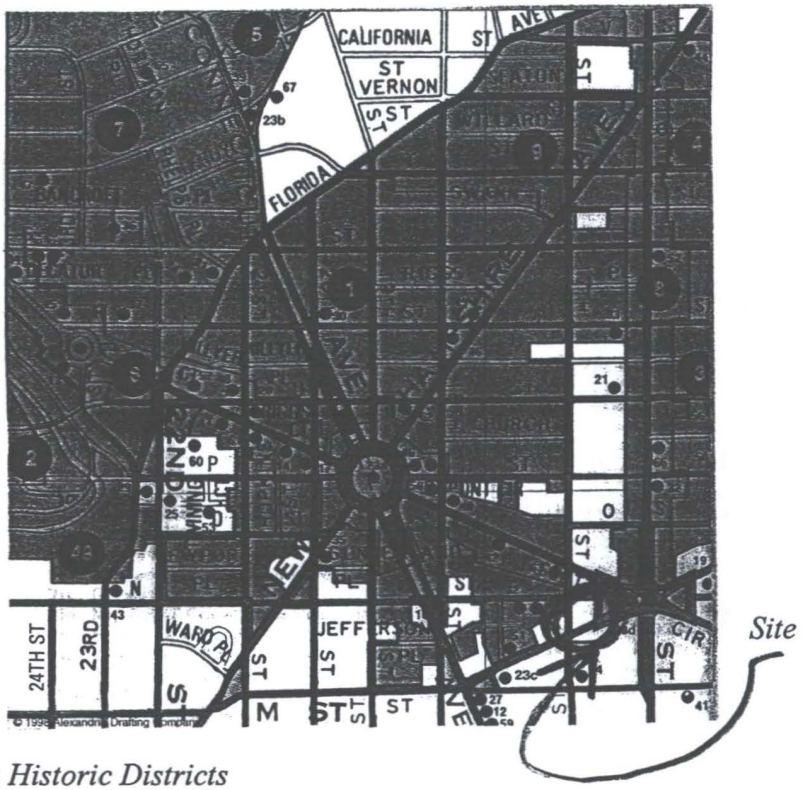


Figure 9: Dupont Circle Area Historic Districts

V. PROJECT DESCRIPTION

The applicant owns a nine-story 150-unit hotel known as the Governor's House. It was constructed in 1963. Its entrance is on Rhode Island Avenue, but the bulk of the building is the rectangular nine-story block on the northern part of the small, 12,000 square foot site. The hotel block is parallel to N Street. A walled pool and terrace are at the corner of 17th Street and Rhode Island Avenue, to the west of the hotel entrance.

There are two levels of underground parking, with 44 spaces that meet code requirements, plus additional spaces that are valet parked. They occupy virtually the entire site from building line to building line. These spaces are entered from the little used section of N Street that is between the hotel and the Philippines Embassy to the north.

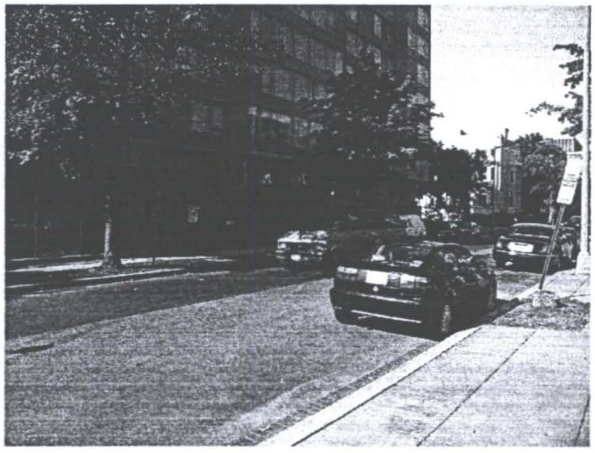


Figure 10: 1600 Block N Street, Looking East



Figure 11: 1600 Block N Street, Looking West, With Garage Entrance and On-Street Loading

The hotel has not had a loading dock at least since 1980, although one is required by the current zoning regulations and was required by those that were in place at the time of the hotel's construction. Neither OP nor the applicant have researched a possible dock before 1980.

Adjacent to and one-floor down from the lobby are a few small meeting rooms and a restaurant.

The Partnership wishes to construct a nine-story 49-room addition to the existing hotel, in the area now occupied by the pool and a portion of the terrace. It would be parallel to 17th Street and would form an "L" with the current wing.

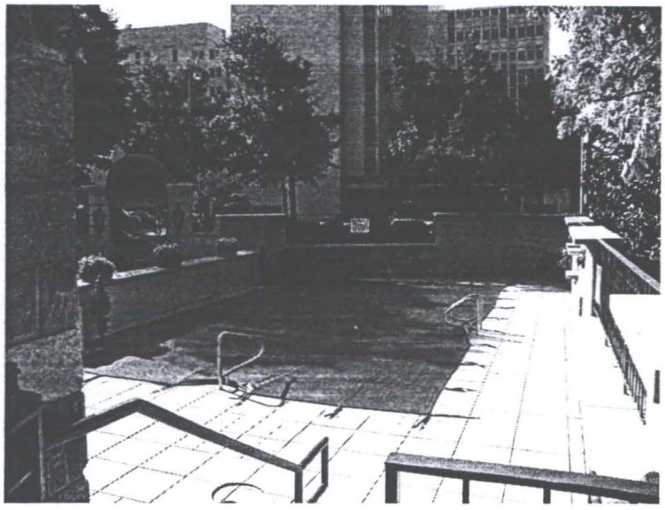


Figure 12: Pool and Terrace Where Addition is Proposed

No additional parking spaces would be constructed, nor would the missing loading dock be added.

VI. RELATIONSHIP OF THE APPLICATION AND THE PRESENT ZONING TO THE COMPREHENSIVE PLAN *(See Attachment 1)*

The subject site is seven blocks from the new Washington Convention Center. The Ward 2 element of the Comprehensive Plan includes the addition of approximately 3,400 hotel rooms, primarily within Ward 2 as part of the District's objectives for business and tourism.

The District of Columbia's Generalized Land Use Map designates the block and the general area as suitable for high-density commercial uses. This designation typically implies C-3-C or C-4 zoning, which allows between 6.5 and 8.5 FAR, and 90 to 110 foot high construction. However, the site is zoned DD/SP-1.

The history of the Comprehensive Plan and the Generalized Land Use Map Designations in this area is complex. The 1984 Plan gave general policy guidance that set Massachusetts Avenue as the northern boundary for central employment area-type uses. North of this, uses were to be primarily residential. The residents of the Dupont Circle area were also reluctant to let central employment area designations and uses move into the triangle south of Massachusetts Avenue, between Rhode Island Avenue and 18th Street. Citizen groups were successful in keeping the land use map designations for the lower-scaled blocks along N Street and the east side of 18th Street as mixed use medium density commercial/ medium density residential. A significant portion of this area is within the lower portion of the Dupont Circle Historic District.

The applicant is asking the Board to approve variances that would enable construction of a building whose characteristics are consistent with the Land Use Map's indications for the site.

VII. REQUESTED ZONING RELIEF

Pursuant to Sections 3103.2, the applicant is requesting variances from:

Section 530 Height;	Section 402.4 F.A.R;
Section 2201.1 Loading Berth;	Section 2215.9 and, implicitly Section 2101.1 Parking

The following table compares what is permitted on the site under matter of right zoning with what exists now and what is proposed.

	Matter of Right	**Existing Hotel**	***Proposed Addition***	***Total W/ Proposed Addition***	**Difference, Proposed Total from Matter of Right**	**% Change, Proposed Total from MOR**
Site Size	11,938 SF	8,900 SF	To be determined.	To be determined	N/A: < 80%	N/A: < 80%
Zoning	DC/SP-1	Pre-1978 SP	DC/SP-1	90'	N/A	N/A
Sq. Footage	48,000	68,450	25,591	92,041	+44.041	+92%
Heights, Sec. 530	65'	90'	90'	90'	+25'	+38%
F.A.R, Sec. 531.1	4.0	5.7	1.9	7.7	+3.7	+90%
Loading Berth, Sec. 2201.1	(1) 30'deep berth for 30-200 sleeping rooms	None, although 1 required by Zoning when hotel built	None	None	-1	-100%
Parking Spaces, Sec. 2115.9 (Cf. 2101.1)	2101.1 requires 38 full size spaces (1 per4 rooms+ 1 per 300SF mtg. Space in largest function room); 2115.9 allows size exceptions for commercial bldgs requiring > or = 75 spaces	44 standard spaces; Up to 90 spaces using vault space and valet parking	0	44 +	-6 - -8, which applicant says could be met under standards of 2115.9, rather than 2101.1 (50-52 required by 2101.1, depending on meeting space size)	- 12% -15%

VIII. AUTHORITY TO GRANT VARIANCES

11 DCMR, Sec. 3103.2 cites the D.C. code provision that authorizes the BZA to grant the requested variances *"where, by reason of*

- *exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations,*
- *or by reason of exceptional topographical conditions*
- *or other extraordinary or exceptional situation or condition of a specific piece of property,*

the strict application of any regulation ... would result in

- *peculiar and exceptional practical difficulties to*
- *or exceptional and undue hardship upon the owner of the property...;*

Provided, that the relief can be granted

- *without substantial detriment to the public good*
- *and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning regulations and Map".* (Emphasis added)

IX. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. **UNIQUENESS:** ***With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:***

It does meet this test.

1. The property is exceptional by virtue of its physical characteristics. It is a 12,000 SF roughly triangular site. In central Washington, only Square 95N, the "mirror image" square to Square 182N on the eastern side of Scott Circle, is similarly sized. Square 95N is developed to its building line with a small triangular structure that was constructed for a trade association and that is now used as the Embassy of Tunisia. Even other small Squares, such as 58 and 59 (World Health Organizational and an apartment building) in Foggy Bottom, are larger than the Square 182N.

2. The site has also been subject to extraordinary or exceptional situations or conditions. The property is unique with respect to its zoning and Comprehensive Plan history since its construction in 1963. As noted in Section VI, the current Comprehensive Plan Land Use Map designation of the site as suitable for high density commercial is more consistent with older versions of the SP zoning regulations than with the current SP regulations. Before 1978, the then-SP district in which the present hotel was constructed allowed a matter of right height of 90 feet, and a 6.0 FAR. The parking and loading dock requirements were the same then as now: 1 space per 4 sleeping rooms, and one loading dock.

   In 1978, the Zoning Commission split the SP zone into two districts and the current property was temporary classified as SP-2, which retained the 90-foot height limit and 6.0 FAR for non-commercial uses. However, new hotels in both of the SP zones were made special exceptions, which was the first of several changes that made the present hotel into a non-conforming, grandfathered use and structure.

   In 1979, the hotel's site was reclassified to SP-1, as were several other Squares. This zoning district's 65-foot height limit and 4.0 FAR made the existing hotel a non-conforming *structure,* as well as a non-conforming *use.* The Comprehensive Plan Generalized Land Use map continued to indicate the site as being suitable for high-density commercial uses. Other rezoned Squares did not have this Map designation.

Together, the unusual site, and the zoning history of the site make the site unique.

2. ***With respect to the* "Practical Difficulties"** ***that would be "unnecessarily burdensome" and impose* Undue Hardship** ***to the Applicant should the application for FAR, height, loading berth and parking variances not be approved:***

It does meet the tests.

a. FLOOR AREA RATIO (SECTION 531.1) AND HEIGHT (SECTION 530):

These are grouped together because the small site size and commercial program make the height and FAR inextricably linked.

The subject hotel was constructed 38 years ago. Since that time, standards for hotel room amenities and services have increased, driving a demand for larger facilities. In addition, hotels, because of the intensity of their use, face a need for continuing cycles of reinvestment. The Office of Planning finds the applicant's claim that it must expand in order to compete effectively with similarly priced suburban hotels to be credible. Because of the extremely small size of the Square, the applicant is not able to acquire additional land on which to construct the necessary additional space. Therefore, strict application of the density and height regulations would result in the unnecessarily burdensome practical difficulty of making any expansion of hotel operations impossible.

b. LOADING BERTH

Section 2201.1 requires one thirty-foot deep loading dock for a hotel that has between thirty and two hundred sleeping rooms. The Governor's House is thus required to have one loading dock. However, even though this regulation was in place at the time of the building's construction in 1963, there is no record of the loading dock's having been built. Loading and unloading have occurred either directly from the block of N Street between 17th and Bataan, or from the building's garage.

This absence of a required loading berth in a post-1959 hotel is relatively unusual. In most situations, were a new wing being added, OP would recommend that a loading berth be constructed as part of the new addition. However, because of the unusual nature of this site, constructing a loading berth would result in either a situation that would not be desirable for the public, or that would be unnecessarily burdensome and impose undue hardship on the applicant.

The new addition will, on its longest end, face 17th Street. On its shorter front it will face Rhode Island Avenue. Both of these are principal streets for vehicular and pedestrian traffic. The block faces are very short, well-landscaped and pedestrian-

friendly. On such short blocks, a loading dock would have a significant negative aesthetic impact.

From an urban design standpoint, Bataan Street and N Streets are more suitable for loading berth consideration. Because both the existing and future building width along Bataan Street is only 58', constructing a loading berth along that frontage would require the applicant to reconfigure many of its front desk, administrative and public circulation systems, and would bring the loading into the building at its front-of-house end.

With respect to construction of a loading berth towards the western end of N Street, closer to the garage entrance and pedestrian service entrance, OP's field inspection revealed:

1. The applicant could not simply widen the garage entrance. The garage ramp is narrow and has a slope greater than 12%. A loading berth next to the garage entrance would require the construction of a steel structure for a mezzanine, and would, in turn, require the relocation of the hotel's main laundry facilities as well as the loss of two sleeping rooms. [1]



Figure 13: N Street Frontage With Garage Entrance

- There is very little through-traffic on this block of N Street or on Bataan Street. Bataan Street is one-block long. The 1600 block of N Street has a T intersection with Bataan Street at Scott Circle, and is signed one-way eastbound in the 1700 block and one-way west-bound in the 1800-2100 blocks. There are no buildings fronting on either Bataan Street or the 1600 block of N Street. Because of the configuration and signalization of the streets and blocks, the width of Rhode Island and Massachusetts Avenues and 17th Streets, and the varying one-way signing of the 1700-2100 blocks of N Street, through-traffic most logically stays on the Avenues and 17th Street. Almost all of the traffic that OP observed on either the 1600 block of N Street or on Bataan Street was traffic going to the garage and on-street loading area for the

[1] In correspondence with OP, the applicant has estimated this cost as approximately $400,000.

Philippines Embassy on the north side of N Street, or to the garage and on-street loading area for the Governor's House on the south side of N Street. There is little incentive for traffic seeking parking spaces to travel on these streets, as all of the spaces on Bataan Street, and most of the spaces on the 1600 block of N Street are restricted to Diplomatic Parking before 6:30 p.m., Monday through Saturday.

While constructing a loading berth on N Street would be possible, it would impose an unnecessary burden on the applicant with little, if any, public advantage.

c. PARKING

The applicant currently has forty-four standard sized parking spaces – six more than are required by zoning regulations. This has been achieved by constructing two levels of parking underneath all of Square 182N, and using adjacent vault space. The small and irregular shape of the site results in a high ratio of travel and turning space to parking spaces.

No additional parking spaces can be constructed under the site. With the proposed addition, the applicant would thus be deficient by approximately 6 spaces.

However, because the hotel restricts its parking to valet parking, it is regularly able to provide up to 90 spaces using stacked parking underneath its building and in adjacent vault space. This provides parking for 50 more cars than the zoning regulations require the current hotel to accommodate, and approximately 40 more spaces than would be required with the proposed addition. Section 2115.9 of the zoning regulations permits many larger hotels to stripe a variety of parking space sizes, to account for compact cars, valet parking, etc. However, these regulations apply only to commercial buildings where 75 or more spaces are required. The applicant is thus asking for a variance from Section 2115.9, to allow that section's dimensional requirements for parking spaces to apply to a hotel where only 50 spaces would be required.

The applicant has a property of exceptional size and shape. The application of the Section 2101.1's parking requirements would preclude an expansion otherwise justified. The applicant is already providing more parking spaces than would be required after the proposed expansion through the use of valet parking. To require the applicant to meet the strict requirements of either Section 2101.1 or Section 2115.9 would result in an exceptional practical difficulty.

To summarize, the Office of Planning believes this exceptional property will be subject to practical difficulties and undue hardship unless zoning relief is granted.

3. ***Can The Relief Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the* Intent, Purpose and Integrity of the Zone Plan *as Embodied in the Zoning Regulations and Map?***

   It can.

   The proposed construction matches the height of both the existing wing of the hotel and the structures facing it to the south, southwest and southeast. The height and FAR variances are unlikely to impair the integrity of the zone plan for this area, since the properties that would most likely be affected in the triangle between Massachusetts and Rhode Island Avenues east of 18th Street are already protected by being within the boundaries of the Dupont Circle Historic District.

   The Comprehensive Plan clearly designates the subject property as being within the central employment area and as being suitable for high-density commercial uses.

   The loading berth variance request is predicated on the existence of an inexplicable circumstance: the prior lack of a required loading berth. The uniqueness of this situation precludes the requested variance's generating a precedent that would violate the intent of the zoning regulations. As noted above, given the very limited use of the 1600 block of N Street and Bataan Street, and the lack of adverse impact from the current loading pattern, the continued loading off of N Street is not likely to harm the public welfare.

   The requested parking variance would be troublesome were the applicant not already remedying this problem by using valet parking and parking sizes *as if* it were operating under the provisions of Section 2115.9. The applicant already provides more parking spaces than would be required for a hotel with the proposed new total number of rooms.

X. COMMUNITY COMMENTS

At its regular monthly meeting on August 8, 2001, ANC 2B voted 5-0 to support this application.

Ward 2 Councilmember Jack Evans has filed a letter in support of the application.

XII. OTHER AGENCY COMMENTS

No agencies had submitted comments as of September 10, 2001.

XIII OP SUMMARY RECOMMENDATION

OP RECOMMENDS THE BZA APPROVE ALL VARIANCE REQUESTS.

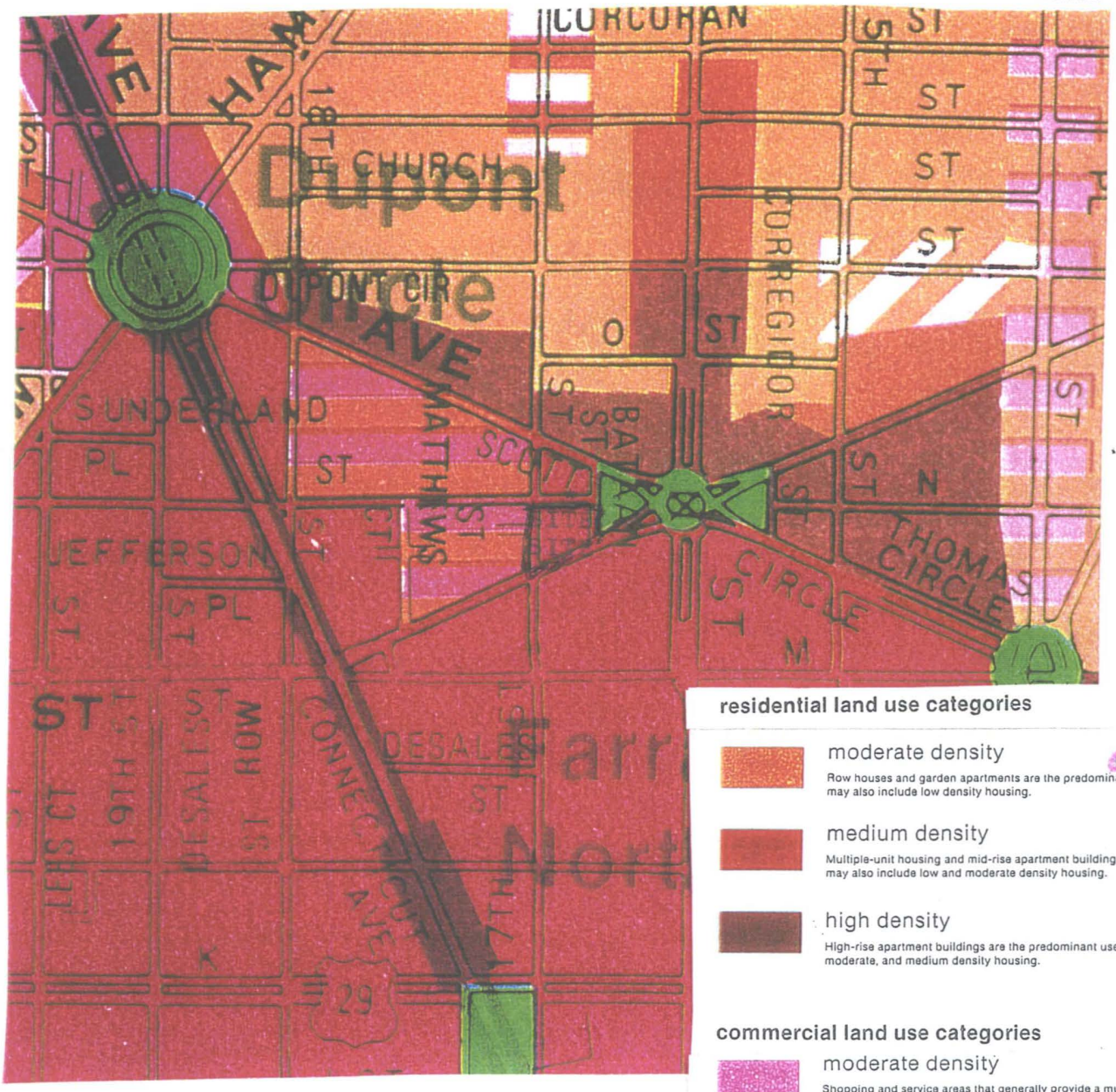
The hotel currently on the site was made increasingly non-conforming by zoning changes in 1978 and again in 1979. As ANC 2-B's support for the application suggests, the proposed addition would not have an adverse impact on the adjacent neighborhood.

The Governor's House is a well maintained, locally owned and moderately priced hotel. Retention of this profile will help the District maintain a variety of hotel types that appeal to different market niches.

Approval of this application would be consistent with public policy and with the Comprehensive Plan. Granting the requested variances would not undermine the integrity of the zoning regulations.

Aa/slc
Attachments (1)

Attachment 1
Generalized Land Use Map



residential land use categories

moderate density

Row houses and garden apartments are the predominant uses; may also include low density housing.

medium density

Multiple-unit housing and mid-rise apartment buildings are the predominant uses may also include low and moderate density housing.

high density

High-rise apartment buildings are the predominant uses; may also include low, moderate, and medium density housing.

commercial land use categories

moderate density

Shopping and service areas that generally provide a much broader range of good services are the predominant uses. Chain drug stores and grocery stores as well branches of department stores, some specialty shops, and personal service establishments may be present.

medium density

Shopping and service areas that generally offer a large concentration and variety of goods and services outside the Central Employment Area are the predominant Most customers arrive by car, bus or subway.

medium - high density

A shopping and service area that generally offers the largest concentration and v of goods and services outside the Central Employment Area is the predominant u Most customers arrive by car, bus or subway.

high density

The business and retail heart of the District and metropolitan area includes a mix employment, retail, office, cultural and entertainment centers.