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: October 29, 2001

SUBJECT: Waiver of Rules for Late Submission of Office of Planning Report
BZA Application 16778: 1108 K Street, N.W.

The attached Office of Planning (OP) report on Application No. 16778 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the application at the scheduled public hearing. On October 24th the applicant told OP of a significant change it would be making to its application. On October 25th OP received additional information from the applicant relevant to one of the variance tests. Together, these communications made it appropriate for OP to make substantial revisions to the report it had already prepared. OP notes that, according to the case record as of October 25th, there are no indications of formal opposition to the application.

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

Aa/sc

Attachment

aa/sc

BZA
Case No. 16778
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16778
EXHIBIT NO.28

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: October 23, 2001

SUBJECT: BZA Application No. 16778, 1108 K Street, N.W. Square 317, Lot 25

I. APPLICATION-IN-BRIEF

Applicant: 1108 K Street Associates

Relief Sought:[1] Special Exception from 11 DCMR Section 411.11 – Roof Structure Setback

Variances from 11 DCMR Sections:

- 2201.1 –Loading Berth Size
- 2115.9 –To Use Stacked Parking When < 75 Spaces Required



Ill. 1: Site at SE Corner of 12th and K, from NW

Relief Sought Under: §3103 and §3104

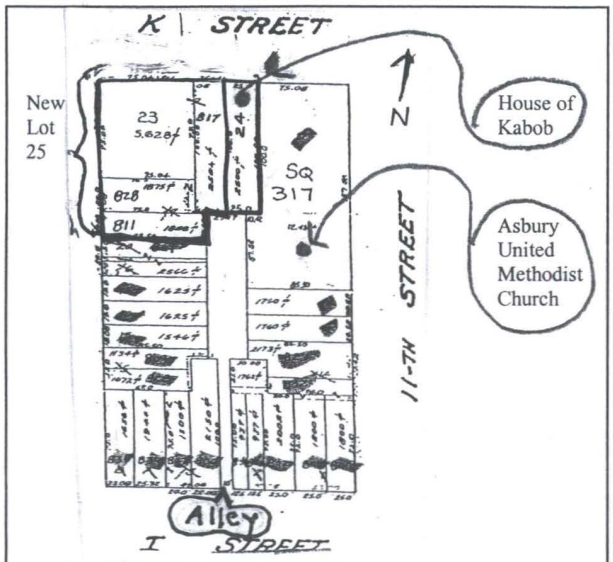
II. OFFICE OF PLANNING RECOMMENDATION

APPROVAL: Special Exception for Roof Structure Location Under Section 411.11; Variances from Loading Berth and Stacked Parking Requirements of Sections 2201.1 and 2115.9.

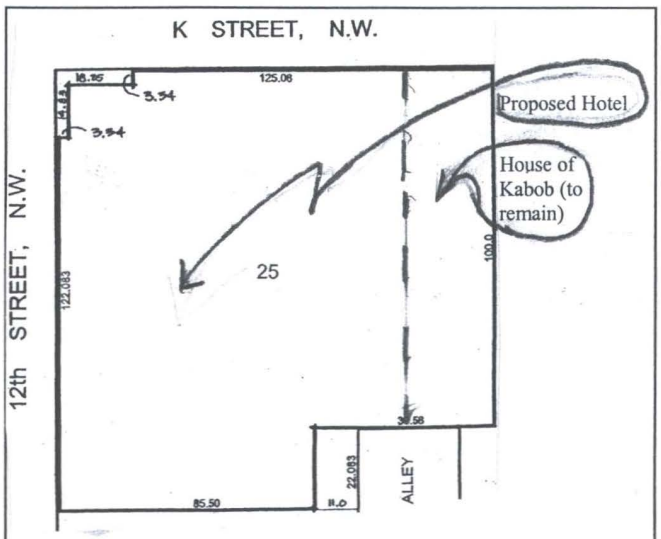
[1] The applicant is withdrawing requests for variances under Section 1706.13 and 1708.1 (f), which pertain to the timing of certificates of occupancy in combined lot developments.

III. SITE AND AREA DESCRIPTION *(See Attachments 1 and 2,and Illustrations 1-8)*

Square 317 in northwest Washington is bounded by K Street on the North; 11th Street on the East; Eye Street on the South; and 12th Street on the West.



Ill. 2:Former Property Lines of Now-Consolidated Lot 25



Ill. 3:Proposed Site (House of Kabob to remain; Hotel to be on Remainder of Lot 25)

There is a north/ south alley midway between 11th and 12th Streets. The alley is approximately 29 1/2 feet wide adjacent to the applicant's property and narrows to a 10-foot width towards the south. The alley can be entered only from I Street and dead-ends at the southern boundary of Lot 25, the applicant's property.

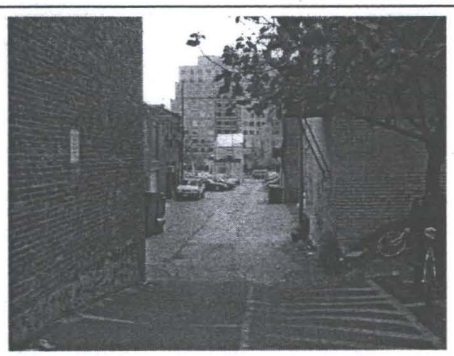
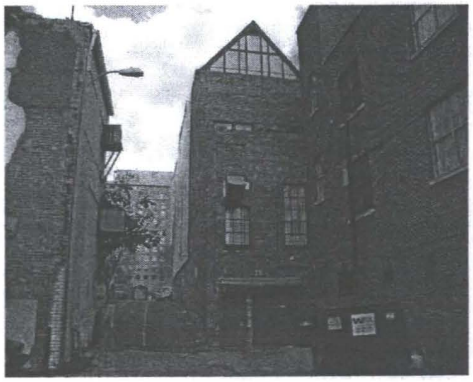


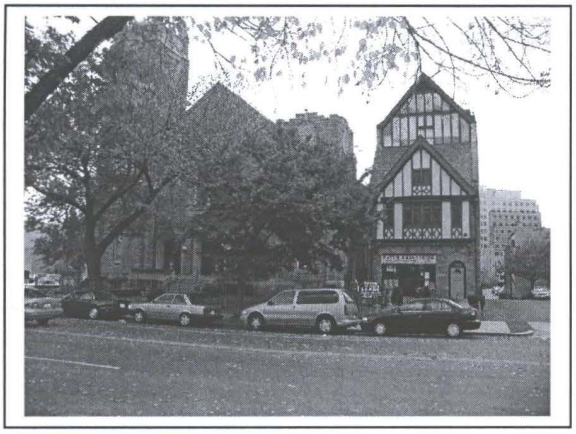
Illustration 4: Alley, from North

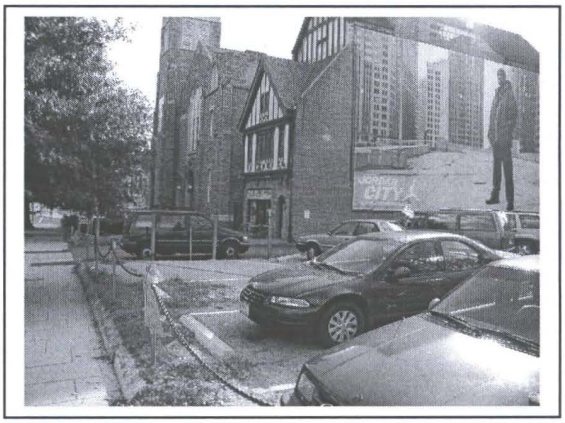
Illustration 5: Alley, from South



Lot 25 comprises 14,395 square feet at the northwest corner of Square 317. It is a roughly square lot, with the exception of a 22-foot by 39½-foot rectangular area at its southeastern corner. The lot has 125 feet of frontage on K Street and 122 feet of frontage on 12 Street. Its western edge abuts the Asbury Methodist Church, which is at the corner of 10th and K Streets. Its southern edge is adjacent to the alley serving the block and to a small commercial building.

Most of Lot 25 is used as a parking lot. However, a portion of the lot's eastern section is occupied by a 4-story structure that will remain. This building is commonly known as "The House of Kabob". It has 25 feet of frontage on K Street and abuts Asbury Methodist Church for a depth of approximately 100 feet.





Illustrations 6 and 7.: From Left to Right/West to East -- Asbury United Methodist Church [separate lot]; House of Kabob, Parking Lot Proposed for Hotel [both part of Lot 25].

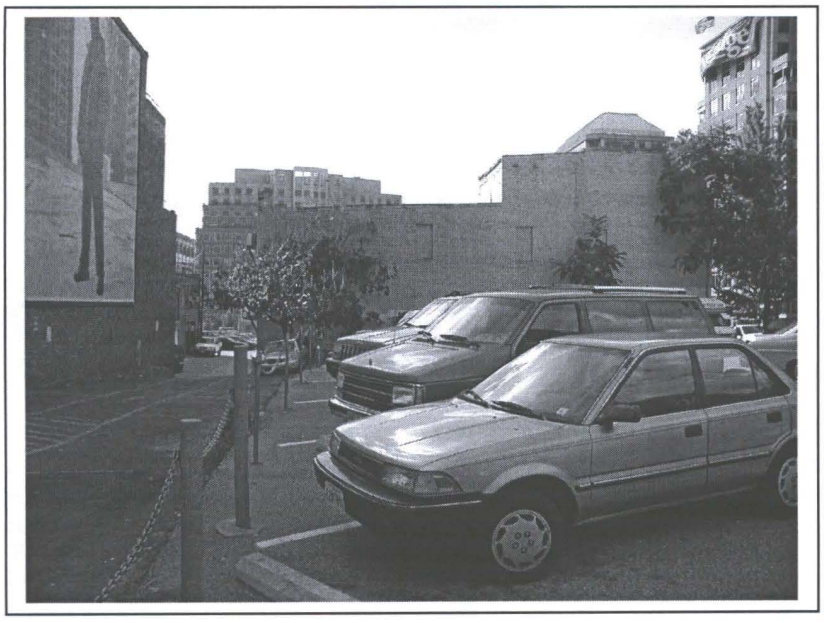


Illustration 8: Existing Parking Lot and Site of Proposed Hotel, from the North.

House of Kabob is to Left; 2 ½ story building behind parking lot is southern boundary of proposed hotel site.

IV. AREA ZONING AND HISTORIC DISTRICTS *(See Attachment 1)*

The site is zoned DD/C-3-C – a high-density commercial zone. It is within both the Downtown Development District (DD), and Housing Priority Area B of the DD. Zoning to the west is DD/C-4. Zoning to the north is DD/C-2-C.

The site is not within a historic district. The Asbury Methodist Church, which borders the parcel on the east, is a historic landmark.

V. PROJECT DESCRIPTION

Lot 25 is occupied by the House of Kabob restaurant (with office space above), and by a commercial parking lot. The applicant wishes to construct a new hotel on the parking lot. The existing 4-story commercial structure would remain. The approximately 2500 square feet of lot area and 6,310 square feet of developed space in the House of Kabob are included in the calculations for the proposed new hotel development's FAR and lot occupancy even though the existing building housing the restaurant and offices will remain physically separate from the new hotel.

The applicant seeks to build a 137,640 square foot limited service hotel with 250 to 270 rooms. The hotel would be 130 feet high, or 14 stories, and would occupy 98.3% of its site. There would be two levels of underground valet parking and one basement floor for meeting space.

The standard C-3-C zone permits 100% lot occupancy, and a maximum 6.5 FAR and 90 foot height. However, because the proposed hotel is within Housing Priority Area B of the DD overlay, the cumulative effect of Sections 1706.5 (a) and 1706.7 allows for a total FAR of 10.0 as long as at least 4.0 FAR of housing is constructed on site, or off-site through combined lot development. Additionally, if a building in the C-3-C zone fronts on a 160-foot wide street such as K Street, it may rise to 130 feet.

In order to achieve its residential requirements, the applicant is entering into a combined lot development with the apartment building that is proposed for 1210 Massachusetts Avenue, N.W. The Office of Planning (OP) has reviewed this document, which is being held in escrow and has not yet been filed.

VI. REQUESTED ZONING RELIEF

The following table compares what is permitted on the site under matter of right zoning with what is requested.

	Matter of Right in DD/C-3-C, Housing Priority Area B	**Existing "House of Kabob"**	***Proposed New Hotel***	***Proposed Total***	**Difference, Proposed Total from Matter of Right**
Site Size	100% coverage of 14, 395 SF lot	Approx. 2,500 SF	Approx.11,895 SF	14,395	N/A.
FAR	10.0	N/A	N/A	10.0	0
Sq. Footage	143,950	6,310	137,640 SF	143,950 SF	0
Heights	130'	4 stories	130' (14 stories)	130'	0
SPECIAL EXCEPTION: Location of Roof Structure, Section 411.11	1:1 setback of 18' 6" roof structure from all exterior walls	N/A	Setback of 11'8" for portion of southern penthouse structure All other portion of roof structure complies	N/A	- 6''10"
VARIANCE: Loading Berth(s) and Platforms, Service Delivery Spaces, for hotel w/ > 200 sleeping rooms (Sec. 2201.1)	[1} 12' x 30' deep loading berth w/ 100 SF platform, and [1] 12' x 55' deep loading berth w/ 200 SF platform, and (1) 10' x 20' deep delivery space	N/A	[2] 12' x 30' w/ [1] approx. 300 SF platform ; [1] 10' x 20' service deliver space	See left	-1 loading berth
VARIANCE: Parking Spaces, Sec. 2115.9 (Cf. 2101.1)	2101.1 requires 66 – 71 full-size spaces, assuming 250 – 270 sleeping rooms and 900 SF in function room (1 space per 4 rooms+ 1 per 300SF of mtg. space in largest function room); 2115.9 allows size exceptions for commercial bldgs requiring > or = 75 spaces	N/A	Applicant does not state # of unattended full size spaces that could be accommodated. Applicant proposes to provide72 stacked, attended spaces.	Not known	Shy of required # of spaces, but not clear by how many. Applicant says number of spaces could be met by granting a variance under the standards of 2115.9, rather than applying requirements of 2101.1 Applicant is 4 spaces shy of being covered by Section 2115.9

V. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN *(See Attachment 3)*

The proposed development is consistent with the Comprehensive Plan and the Generalized Land Use Map.

The subject site is 3 1/2 blocks from the new Washington Convention Center. The Ward 2 element of the Comprehensive Plan calls for 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.

VI. DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST? *(See Attachment 4)*

It does.

11 DCMR Section 770.6 requires roof structures to meet the requirements of Section 411, to have a 1:1 setback from the roof's exterior walls, and to be no higher than 18'6" above the roof..

The proposed penthouse will be no higher than 18'6", but would set back less than the required 1:1 ratio for an approximately 15 foot length of its southern exposure.

Under Section 3104.1 of the Zoning Regulations, the Board is authorized to grant special exceptions, where, in its judgment, the special exceptions:

- Will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and;
- Will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and map.

With respect to roof structures, the Board is empowered by Section 411.11 to grant special exception where operating difficulties, building lot size or other conditions relating to the building or surrounding area would tend to make full compliance with the roof structure requirements unduly restrictive, prohibitively costly, or unreasonable, provided the intent and purpose of the Zoning Regulations are not materially impaired by the proposed roof structure, and the light and air of adjacent buildings is not adversely affected.

OP finds that the application meets the tests for special exceptions. The building lot is "notched out" at its southeastern corner, making the most logical shape for the penthouse to be an upside-down "L". From a floor plan and operating standpoint, it would be impracticable to place the elevator core and service stairs at a location other than the junction of the two wings. The area where the proposed penthouse would have less than the required 1:1 setback from the exterior walls is a southern facing section that faces the back of the building and the proposed loading berths. It would be more that 70 feet away from the building to the south. The intent of the penthouse setback is to reduce the presence of and shadows cast by the roof structure from the surrounding streets, and to ensure adequate separation of mechanical equipment from one

building to the next. This portion of the penthouse will not be visible from any street. It faces south and will not cast shadows for more than two or three weeks a year; given sun angles, these shadows will more than likely fall on the roof of the applicant's property. The portion of the penthouse for which the special exception is being sought is 50 feet farther from the building to the south than the nearest part of the penthouse that meets the setback requirements as a matter of right. Granting the special exception will be in harmony with the zoning regulations and maps and will not affect the use, in accordance with the zoning regulations, of neighboring property.

VII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

A. GENERAL DISCUSSION OF THE PROPERTY'S UNIQUENESS: *With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:*

The applicant demonstrates the property's uniqueness.

The applicant's pre-hearing statement argues, for each of the variance requests, that the property is unique and is affected by exceptional conditions involving its size and shape. In subsequent conversations and correspondence with OP *(see Attachment 5)*, the applicant has also noted that it has been unable to change the size or shape of the lot as much as it desired through additional purchases. The "House of Kabob", although on the same parcel of ground, has a long-term lease that the applicant states it has been unable to buy-out. [2] The applicant states that it has also purchased a lot to the south in order to increase the size of its site. The applicant further states it has been unable to incorporate any other adjacent land, because the rest of the block is being assembled by a different owner for a separate development.[3]

The applicant argues that the 11,895 square feet on which the hotel is proposed to be located (a 14,395 square foot lot minus 2,500 SF of site area presently occupied by the four story House of Kabob, slated to remain) is approximately 50% the size of a standard 20,0000 square foot urban commercial development site area. The applicant further contends that the property is affected by extraordinary or exceptional situations or conditions such as:

- The depth of the property;
- D.C. Building Code requirements regarding ingress, egress, etc.;
- Zoning Regulation requirements regarding size and location of loading spaces;
- Its location only three blocks from the new convention center and its availability and suitability for use as a hotel or inn.

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[2] The lot occupied by The House of Kabob was formerly a separate Lot 24. It is now incorporated into the more recently consolidated Lot 25. . Lot 811 has been purchased and is now part of Lot 25

[3] *ibid.*

OP finds the proposed building site to be of a difficult size for hotel development. The most recent variance request for a hotel considered by the Board was for an approximately 13,000 square foot, "land-locked" site. The Board agreed with the applicant that this site was exceptional. The present applicant's site is even smaller, and is "landlocked" by properties the applicant has tried to, but has been unable to, incorporate into its site.

The difficult alley access also impacts negatively on the site's ability to be developed under matter of right requirements. While the alley is 29 ½ feet wide at its northern end, it is only 10 feet at its single entrance on from "Eye" Street. This width would make it difficult for trucks to access the applicant's property from the south. Consequently, loading and delivery areas most practically must be located in what was formerly Lot 811 *(see Illustration 2 and 3, and Attachment 4)*, thus making the applicant's net building site area approximately 10,000 SF – an even more unusually small hotel site.

B. 1. Peculiar and Exceptional Practical Difficulty; Imposition of Undue Hardship With Respect to Loading Requirement Relief Under Section 2201.1. *(See Attachment 3)*

Section 2201.1 of the Zoning Regulations requires a hotel with the number of rooms proposed by the applicant to provide one 30-foot loading berth with a loading platform, one 55-foot loading berth with a loading platform, and one 20-foot deep service/delivery loading space.

Applicant's Proposal: The applicant seeks a variance from the 55-foot loading berth requirement. It proposes, instead to provide two 30-foot loading berths and one 20-foot delivery area. The service delivery area would be stacked in front of one of the loading berths. The other 30-foot loading berth would be adjacent.

The applicant argues that the site's small size and shape would necessitate separate street access for a separate 12' x 55'loading berth. Because the 10-foot width of the public alley at Eye Street would make turning movements difficult for a truck of that size, a separate 12' x 55' berth would need to need to be accessed from 12th Street. To comply with the Zoning Regulations, the 10' x 55' berth would need to be located contiguous to the proposed 12' x 30' loading berth. This would require relocation of the serving and pantry areas, as well as the emergency-egress stairwell.

OP Analysis: OP agrees that the combination of site size and limited alley access do pose a practical difficulty and that strict application of the zoning regulations would impose and undue hardship on the applicant.

B. 2. Can The Loading Requirement 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?

Applicant's Proposal: The applicant's proposed arrangement would allow for the provision of a 60 linear-foot loading zone on one side of the dock space, and 30 linear feet on the adjacent side. The applicant could thus accommodate three 30-foot trucks at any given time, or one 55-foot trailer plus another 30-foot truck. The applicant notes that the proposed hotel would have very limited services. It would not have a restaurant or kitchen or room service. There would be approximately 1600 SF of meeting space.

OP Analysis: OP agrees that granting the requested variance and constructing the loading berths and service/delivery area as proposed by the applicant could be done without substantial detriment to the public good and without substantially impairing the intent and integrity of the zone plan. For a limited service hotel with no kitchen and very limited meeting space, there will be very few deliveries requiring a 55-foot truck. There may be little need for that long a loading berth other than during construction and move-in, and during any future substantial remodeling. For the delivery of maintenance, housekeeping and breakfast supplies, the loading and delivery layout proposed by the applicant should be more than adequate.

C. 1. Peculiar and Exceptional Practical Difficulty and Imposition of Undue Hardship With Respect to Parking Space Requirements Relief Under Section 2115.9.

Applicant's Proposal: Section 2115.9 of the Zoning Regulations permits many hotels larger than the one proposed by the applicant 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. Under Section 2101.1, the applicant's 250-270 rooms and 900 SF of meeting space require 71 parking spaces – 4 short of the number that would allow the applicant to meet the required parking through use of valet parking and/or flexible striping. The applicant is asking for relief from the minimum standard of 75 required spaces that would allow the applicant to apply the parking requirements of Section 2115.9 rather than Section 2101.1number of required spaces.

The applicant asserts that the small size of the site being developed would require it to excavate an additional below ground level, at considerable expense, in order to accommodate its required parking under Section 2101.1 rather than under Section 2115.9.

OP Analysis: OP agrees with the applicant that the size of the site, is small enough to pose a practical difficulty and that strict application of the Zoning Regulations, with the probable need for additional excavation at a substantial cost, would impose exceptional practical difficulty on the applicant.

D. 2. Can The Parking Space 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?

Applicant's Proposal: Because the proposed hotel would restrict its parking to valet parking, it would be able to provide at least 72 spaces using stacked parking underneath its building. This would provide parking for 1 more car than the zoning regulations require the hotel to accommodate. With full use of stacked parking, the applicant expects to be able to park up to 85 cars.

OP Analysis: OP finds that the relief can be granted without detrimental impact on the public good or the intent and integrity of the zone plan. The hotel is located in the Central Employment Area, close to the new Convention Center, and in an area well-served by mass transit. The provision of the required number of parking spaces through stacked valet parking, rather than through non-stacked self-parking, will not be noticed by the public, may actually serve to encourage making trips by walking or transit, and does not undermine the Zoning Regulations' intent of ensuring adequate parking for the proposed hotel use.

VIII. ANC AND COMMUNITY GROUPS *(See Attachment 6)*

ANC 2-F's letter of support is attached.

IX. OTHER AGENCY COMMENTS

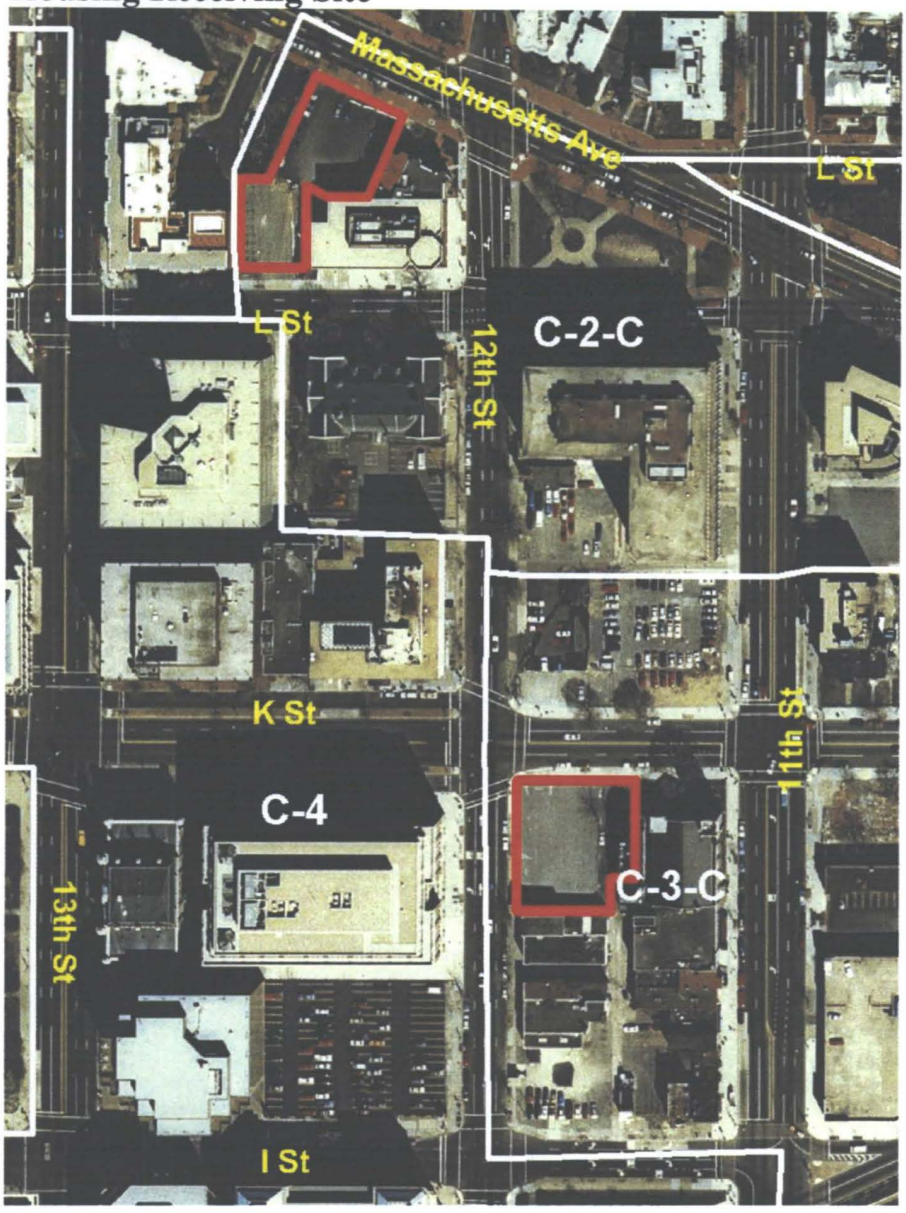
No other agency comments have been received.

Aa/slc

Attachments (6)

ATTACHMENT 1

Site Location and Zoning Map for 1108 K Street, N.W., and Proposed Housing Receiving Site

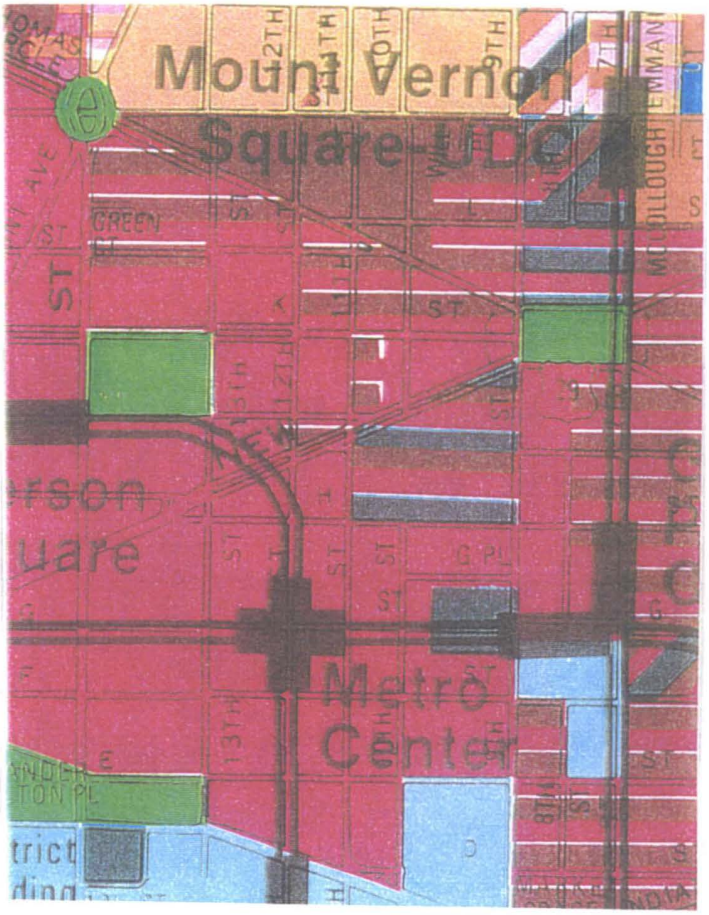


Lower Area Outlined in Red is Proposed Hotel (Sending) Site at 1108 K Street, N.W.

Upper Area Outlined in Red is Proposed Apartment (Receiving) Site at 1210 Massachusetts Avenue, N.W.

ATTACHMENT 2

Generalized Land Use Map



Legend

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

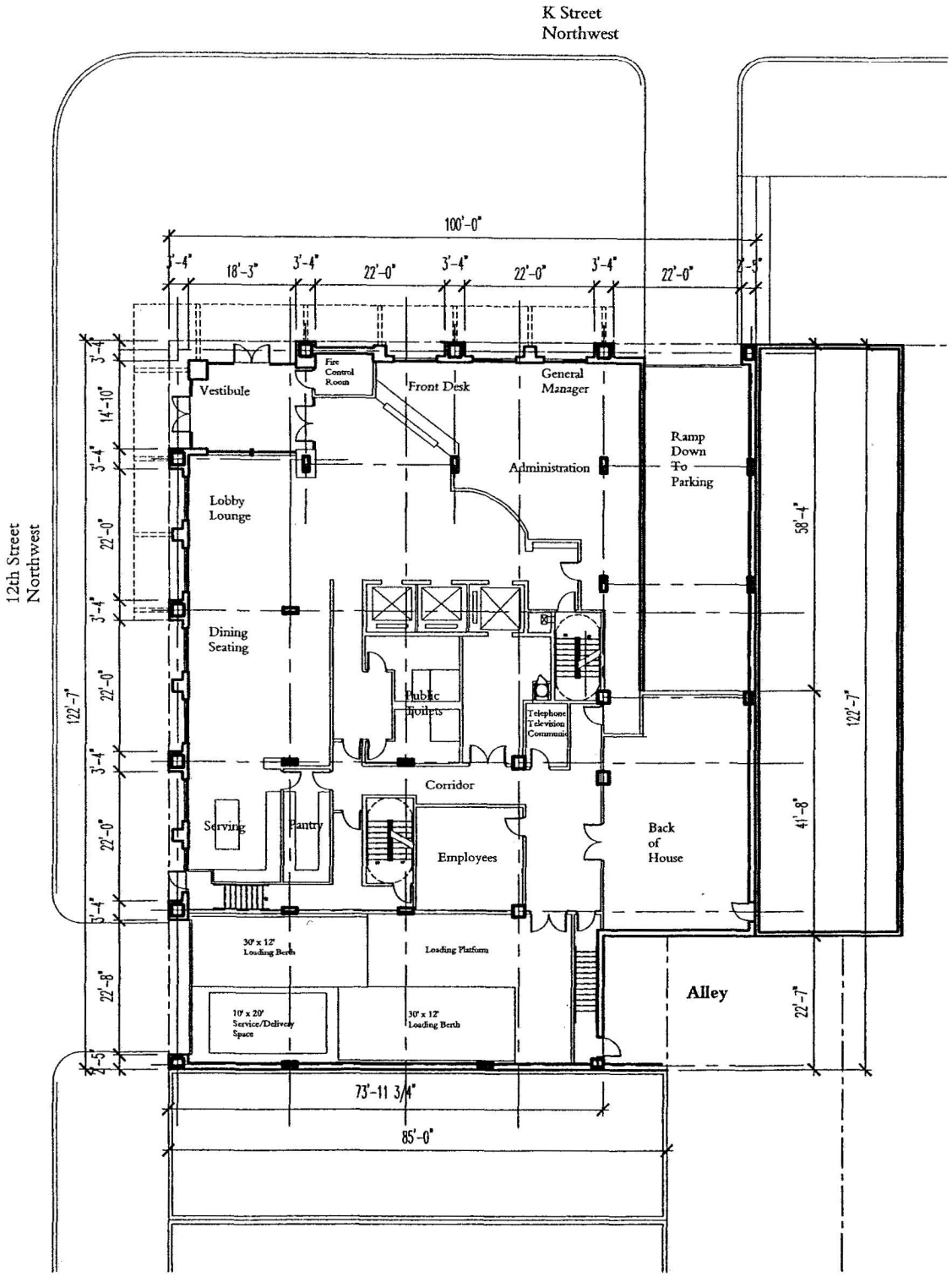
high density
The business and retail heart of the District and metropolitan area includes a mix of employment, retail, office, cultural and entertainment centers.

public and institutional land use categories

federal
land and facilities occupied by the federal government, excluding parks and open

ATTACHMENT 3

Proposed Ground Floor Plan



1108 K Street Northwest
HAMPTON INN
GROUND FLOOR PLAN
6 July 2001

FAR Gross Floor Area: 10,077 sf

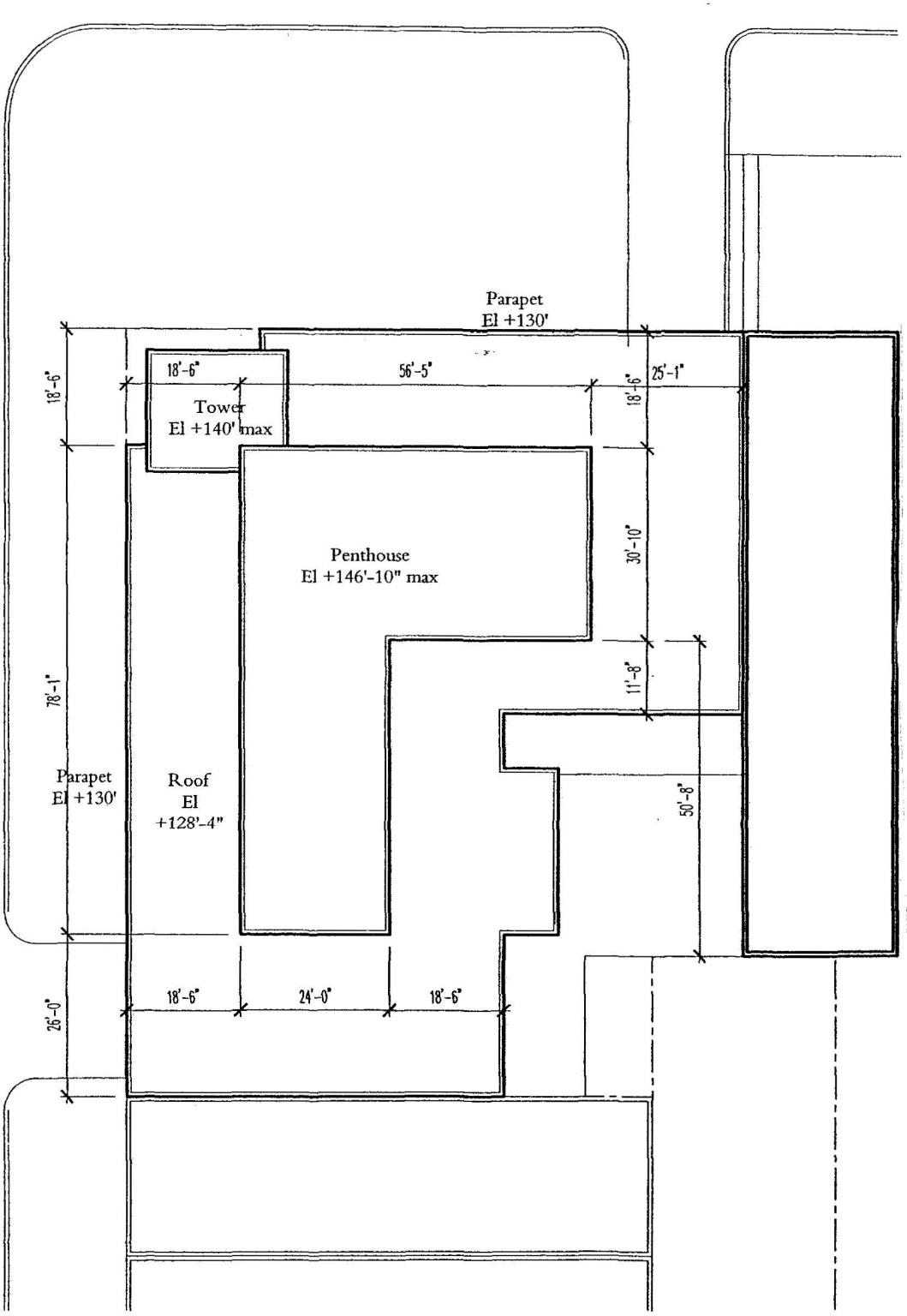
0 4' 8' 16'

North

RRGM

ATTACHMENT 4

Proposed Roof Plan



1108 K Street Northwest
HAMPTON INN
ROOF LEVEL PLAN

6 July 2001

Roof Area: 9,966 gsf
Penthouse Area: 2,878 gsf

0 4' 8' 16'

North

RRGM

ATTACHMENT 5

Letter from Applicant's Counsel Explaining Attempts to Expand Site

Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
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International Offices: Caracas*, Mexico City, Rio de Janeiro, São Paulo, Tel Aviv*, Tokyo
*Representative Office

October 25, 2001

NORMAN M. GLASGOW, JR.
202-419-2460
Internet Address: nglasgow@hklaw.com

Mr. Stephen Cochran
Office of Planning
Suite 4000
801 N. Capitol Street, N.E.
Washington, D.C. 20002

Re: BZA Application No. 16778, 1108 K Street, N.W.

Dear Steve:

In furtherance of our recent telephone conversation, this is to advise that the Applicant is withdrawing its request for a variance from the timing provisions of the Combined Lot Regulations (1706.13 and 1709.1(f)).

With respect to the size and configuration of the site, the land under the "Kabob House" building is owned by the Applicant. The building, however, is not owned by the Applicant. The Applicant has tried to buy the building on numerous occasions, but has been unsuccessful. In addition, the Applicant has tried to buy property to the south of its present site, but has also been unable to expand in that direction other than the acquisition of a small parcel a year ago. That acquisition established what is now the southern boundary of the property. Other property to the south is owned by another developer who does not wish to sell. These efforts have also taken place over many years. The size and shape of the property is therefore fixed with respect to its present boundaries.

Please call if you have any questions.

Very truly yours,

HOLLAND & KNIGHT LLP

Norman M. Glasgow, Jr.

cc: Board of Zoning Adjustment

Attachment 6

Letter of Support from ANC 2F

OCT-19-2001 07:06 PM HELEN M.KRAMER 202 483 1170 P.01

ANC 2F ADVISORY NEIGHBORHOOD COMMISSION 2F
GOVERNMENT OF THE DISTRICT OF COLUMBIA
P.O. Box 9348, Mid-City Station, Washington, DC 20005
Telephone: (202) 667-0052 Fax: (202) 667-0053

Commissioners:
2F01 David Stephens, *Chair*
2F02 Jim Brandon
2F03 vacant
2F04 Helen M. Kramer, *Secretary*
2F05 Leslie Miles, *Vice Chair*
2F06 Bob Hinterlong, *Treasurer*

October 19, 2001

2001 OCT 22 AM 9:33
D.C. OFFICE OF ZONING
RECEIVED

Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: BZA Application No. 16778
1108 K Street, N.W.

Dear Members of the Board:

At its regularly scheduled October 3, 2001, public meeting at which a quorum was present, Advisory Neighborhood Commission 2F voted unanimously (5-0) to support the application of the Hampton Inn.

The Commission agreed with the findings of its Community Development Committee that the subject site is unique due to its small size and the protrusion of the public alley at the southeast frontage of the site. A practical difficulty was found to exist in complying with the loading berth requirements, as the applicant provides the number of berths required but one of the berths is not 55' in length. The applicant has instead stacked the 10' x 20' service delivery space with a 12' x 30' berth and, by the layout, effectively provides a 12' x 55' space if it is ever needed. ANC 2F also supports the variance from the parking requirements to permit stacked parking, which is more appropriate for a hotel project where stacked valet parking is the norm.

The variance concerning the certificate of occupancy being issued for the non-residential hotel space in advance of the required residential space in a combined lot development is consistent with the recent action of the Zoning Commission permitting such arrangements. However, this project would not meet the standards for the escrow, as the combined lot agreement was entered into prior to the adoption of those regulations. The ANC wishes to encourage utilization of this long undeveloped site and believes that this variance request is appropriate provided a combined lot development covenant is recorded prior to the issuance of building permits for the non-residential portion of the development.

Lastly, ANC 2F supports a special exception from the roof structure provisions, as it is not practical to set back the roof structure a distance equal to its height on the interior of the site. Compliance would not further the intent of the regulations, as it would only push the roof structure closer to the street frontages and would adversely affect the lobby layout of the hotel.

For all of the above reasons, ANC 2F supports the application with the noted condition, and urges the Board of Zoning Adjustment to approve the relief requested at the BZA public hearing on October 30, 2001. Thank you for giving great weight to our views.

BZA
Case No. 16778
Exhibit No. _____

Sincerely,

David Stephens
Chair