Government of the District of Columbia

ZONING COMMISSION

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Zoning Commission Order No. 314

Case No. 79-1

May 8, 1980

Pursuant to notice, public hearings of the Zoning Commission of the District of Columbia were held on April 2, May 7 and June 11, 1979 and January 17 and 21, 1980, to consider proposed amendments to the text of the Zoning Regulations. The first set of hearings held in 1979 was to consider generally the issues regarding hotels and motels in the District of Columbia. The second set of hearings held in January of 1980 was to consider a specific set of proposed text amendments.

Following the lengthy hearings, and receipt and consideration of an extremely large amount of public testimony and evidence submitted for the record, the Commission held several discussions of the case. For the reasons set forth in the Statement of Reasons accompaning this order, the Commission has determined that it is appropriate to amend the Zoning Regulations regarding hotels.

The Commission believes that the amendments are in the best interests of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. The Commission therefore hereby orders that the Zoning Regulations of the District of Columbia shall be amended as set forth in the document entitled "Text Amendments Regarding Hotels," dated May 8, 1980, a copy of which is attached to and made a part of this order.

The Commission further notes that by Order No. 309, dated March 20, 1980, the Commission had enacted amendments to the Regulations on an emergency basis concerning hotels in residential districts. Order No. 309 provides that the amendment contained therein "shall take effect upon the expiration of Order No. 302 on April 1, 1980, and shall remain in effect for 120 days or until permanent amendments regarding

BZA
Case No. _____
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO.16984
EXHIBIT NO.7

hotels are adopted by the Zoning Commission and become effective, whichever comes first." The Commission therefore hereby orders that the Regulations contained in Order No. 309 shall cease to be in effect at the same time as the Regulations adopted by this order become effective.

Vote of the Commission taken at the public meeting held on April 10, 1980: 5-0 (Ruby B. McZier, George M. White, Theodore F. Mariani and John G. Parsons to approve the amendments, Walter B. Lewis to approve by absentee ballot).

THEODORE F. MARIANI
Chairman

STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on May 8, 1980 by a vote of 5-0 (Walter B. Lewis, George M. White, Theodore F. Mariani, Ruby B. McZier and John G. Parsons to adopt)

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendments to the Zoning Regulations are effective on 16 MAY 1980

TEXT AMENDMENTS REGARDING HOTELS
May 8, 1980

1. Revise the definition of "hotel" and add a new definition for "Inn" in Section 1202, Definitions:

   A. Amend the definition of hotel to read as follows:

   "Hotel: A building or part thereof in which not less than 30 habitable rooms or suites are reserved exclusively for transient guests who rent such rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionare of the management may be eaten in a dining room accommodating simultaneously not less than thirty persons. Such dining room shall be internally accessible from the lobby. The term hotel shall not be interpreted to include apartment house or private club. It shall, however, include establishments defined as motel in these Regulations prior to 16 MAY 1980. All areas within a hotel shall be included in one of the following categories:

   Guest room areas: Floor area within a hotel devoted to guest rooms or suites, including individual bathrooms, entrance foyers, corridors, elevators, stairs, floor pantries and other space directly supportive of guest rooms. The main lobby, front desk, and hotel administrative offices are also included in guest room areas for purposes of prorating floor area between residential and non-residential uses in applicable zones.

   Function room: A room within a hotel used primarily to accommodate gatherings of hotel guests and visitors, such as meetings, banquets and other group events.

   Exhibit Space: Floor area within a hotel primarily designed for the display and storage of exhibits for conferences, trade fairs, and similar group events.

   Commercial adjuncts: Retail and service establishments customarily incidental and subordinate to hotel use, such as restaurant, dining room, cocktail lounge, coffee shop, dry cleaning, laundry, pressing, or tailoring establishment, florist shop, barber shop, beauty parlor, cigar or newstand, and other similar uses.

   Service areas: Floor area within a hotel devoted to mechanical services and storage supportive of the hotel as a total entity, including boiler room, mechanical platforms, electrical switchboard, workshops and maintenance areas, storage areas, employee facilities (locker rooms, canteen, engineer's office) and similar uses."

B. Add a new definition of "Inn" to read as follows:

"Inn: A building or part thereof wherein habitable rooms or suites are reserved exclusively for transient guests who rent such rooms or suites on a daily basis. Guest rooms or suites may include kitchens, but central dining other than continental breakfast for guests is not allowed. Commercial adjuncts, function rooms, and exhibit space as permitted in hotels are not allowed. The term inn shall not be interpreted to include motel, hotel, private club or apartment house."

2. Permit existing hotels, and prohibit new or expanded hotels, in R-5-B, R-5-C and R-5-D Districts:

A. Amend Paragraph 3105.34 to read as follows:

3105.34 Hotel, only in R-5-B, R-5-C or R-5-D Districts, in existence as of 16 MAY 1980 with a valid Certificate of Occupancy or a valid application for a building permit, provided that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. Any such existing hotel may be repaired renovated, remodelled or structurally altered.

B. Amend existing Paragraph 3105.45, authorizing BZA to approve commercial uses as adjuncts in hotels of less than 100 rooms, to read as follows:

"3105.45 Commercial adjuncts to a hotel containing less than 100 rooms or suites, provided that:

3105.451 The total area within the hotel devoted to function rooms, exhibit space and commercial adjuncts may not be increased.

3105.452 There is no direct entrance thereto from the outside of the building.

3105.453 No part of such adjunct or the entrance thereto is visible from a sidewalk.

3105.454 No sign or display indicating the existence of such adjunct is visible from the outside of the building.

3105.455 The hotel is of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests."

C. Amend existing Paragraph 3105.52, permitting accessory commercial adjuncts in hotels with 100 or more rooms, to read as follows:

"3105.52 Commercial adjuncts as accessory uses to a hotel containing 100 or more rooms or suites, provided that:

GOALS OF THE REVISED REGULATIONS

The Zoning Regulations, as amended by the Zoning Commission in this case, are designed to acheive the following major goals:

1. Protect existing residential areas from further hotel development. As reviewed in this statement, this case originated out of an express desire for protection of residential areas from the potential adverse impacts of hotels. As noted elsewhere in this statement, a hotel is not purely a residential use, nor is it purely a commercial use. A hotel is a hybrid type of use. The rooms themselves resemble in both nature and effect rooms in a rooming house or apartments in an apartment house. The function rooms, exhibit space and commercial adjuncts in both nature and impact are clearly more similar to commercial uses. The Commission therefore believes that those zones within the District of Columbia which are reserved for exclusively residential use should not also permit hotels, because of the commercial aspects of such a use.

2. Prevent further loss of existing housing stock in residential zones. Because of a variety of reasons, the District has experienced an increasing number of conversions of existing apartment houses to hotel use. While there have also been conversions in the opposite direction from hotel to apartment use, the Commission believes that economic, market and regulatory forces are enhancing the likelihood that more apartment houses will be converted or demolished to accommodate hotel use. The Commission believes that in residentially zoned areas, existing residential uses should be encouraged to continue. The Commission recognizes that it is not able to mandate the continued existence of apartment houses if the owner wishes to demolish the building or convert it to some other permitted use. The Commission does believe that it is desirable to remove one present incentive for the loss of existing housing stock in residential areas.

3105.521 The total area within the hotel devoted to function rooms, exhibit space and commercial adjuncts may not be increased.

3105.522 There is no direct entrance thereto from the outside of the building.

3105.523 No part of such adjunct or the entrance there to is visible from a sidewalk.

3105.524 No sign or display indicating the existence of such adjunct is visible from the outside of the building."

3. Permit hotels in SP Districts:

A. Allow hotels or inns as a special exception by deleting "Hotel or" from Paragraph 4101.44 and adding a new paragraph 4101.48 to read as follows:

4101.48 Hotel or Inn provided that:

4101.481 The height, bulk and design of the hotel or inn are in harmony with existing uses and structures on neighboring property. For this purpose, the Board may require special treatment in the way of design, building setbacks, screening, landscaping, sign controls and other features as it shall deem necessary to protect neighboring property.

4101.482 Approval of the hotel or inn shall result in a balance of residential, office and hotel or inn uses in the SP District in the vicinity of the hotel or inn.

4101.483 The gross floor area devoted to function rooms and exhibit space shall not exceed fifteen per cent of the gross floor area of the hotel.

4101.484 The hotel or inn is located within 1,300 feet of the Central Employment Area or a Metrorail station. The 1,300 foot distance shall be measured from the entrance of the hotel or inn which is closest to the main lobby and guest registration desk to the edge of the Central Employment Area or the entrance to the Metrorail station, following public rights-of-way.

4101.485 The Board may require more or less off-street parking spaces and loading berths than required by Articles 72 and 73 of these Regulations to accommodate the activities of the hotel or inn, so as to avoid unduly impacting parking or traffic on surrounding streets.

2. Definition of inn. The Commission included a definition of an inn, which is essentially a hotel without central dining facilities and housing no commercial adjuncts, function rooms or exhibit space. An inn is essentially a residential type facility which would meet the definition of a hotel if it had the central dining facility.

3. Prohibition of hotels in residential zones. The Commission determined that no new or expanded hotel would be permitted in any residential zone. An existing hotel would be allowed to continue, recognizing the substantial investment in place already committed for existing hotels. Consistent with the existing provisions of Sub-section 8103.5, an existing hotel was specified to include one for which a valid applicatio for a building permit existed prior to the effective date of these regulations. Alterations to existing hotels is permitted, but there can be no expansion of the total gross floor area of the hotel and no increase in the size of the function rooms, exhibit space and commercial adjuncts. Accessory commercial adjuncts may be adjusted, including new ones added in place of existing adjuncts as long as the total area devoted to such uses is not increased.

4. Hotels in SP Districts. The Commission determined that hotels should continue to be considered as special exceptions in SP Districts, to allow for appropriate review of each case. The standards by which the BZA evaluates a hotel application were amended, to require the Board to consider the mixed use nature of the SP District and to provide more explicit judgement on parking, loading and traffic issues.

5. Apportionment of FAR. In all SP, W, CR and C Districts, the Commission determined to apportion the area of a hotel based on the hybrid nature of the use. Guest room and service areas are to be charged against the permitted residential density, and all other areas, including function rooms, exhibit space and commercial adjuncts, are to be charged against the commercial FAR.