

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

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MEMORANDUM

DATE: October 18, 2005
TO: District of Columbia Board of Zoning Adjustment
FROM: *JLS/for*
Ellen McCarthy, Director
SUBJECT: Board of Zoning Adjustment Case No. 17337
1743-55 N Street N.W.

Summary

The applicant is seeking approval of multiple forms of relief from the zoning regulations to build a hotel. The proposed project requires variances from the height requirements of §530, the FAR requirements of §531, and the court requirements of §536.1. The project also requires special exception relief to allow a hotel under §512 and from the roof structure requirements of §530.4 and §411. In addition, the project requires a waiver from the rear yard requirements of §534. The Office of Planning **strongly recommends denial** of the requested variances based on the analysis of variance tests below.

Site and Area Description

The subject property is comprised of six vacant structures on N Street NW between 17th and 18th Streets (Square 158, Lots 69, 835 & 836). The site is 20,648 square feet in size and has over 150 feet of frontage on N Street. The property is in the Dupont Circle Historic District and all of the existing buildings are contributing structures to the historic district. The subject property and the properties on all sides are zoned DD/SP-1. The buildings themselves are part of one of the most architecturally significant streets in Dupont Circle dominated by Queen Anne and Romanesque style houses and historically home to many socially and culturally prominent Washington residents including Presidents Theodore and Franklin Roosevelt.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17337
EXHIBIT NO. 35

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BZA #17337

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Project Description

The proposal calls for the historic houses to be incorporated into a new hotel building. The hotel would rise seven stories behind and partially on top of the existing historic buildings, maintaining the façade and portions of exterior walls. The buildings at 1743 and 1749 would receive fifth floors and all six buildings would receive sixth and seventh floors set back 30 feet from the front façade. The proposed hotel would contain 117 guest rooms as well as meeting space, a bar, fitness facilities, and staff office space.

The existing buildings on the site are between 40' and 54' in height and have a total FAR of just under 2.0. The proposed hotel will be 75' in height and have an FAR of 5.42.



Figure 1: Site Area

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Zoning Requirements

The proposal requires multiple variances and in addition to special exception and waiver relief. Variances requested are from the height requirements of §530, the FAR requirements of §531, and the court requirements of §536.1. The Special Exceptions are to allow a hotel under §512 and from the roof structure requirements of §530.4 and §411. Finally, a waiver of the rear yard requirements will be required per §534.6 to allow no rear yard.

Section	Item	Required/Allowed	Existing	Proposed	Variance
530.1	Height	65'	54'	75'	10'
531.1	FAR	4.0	2.0	5.42	1.42
534	Rear Yard	15.6'	70'	0'	15.6'
535	Side Yard	0'	0'	0'	N/A
536.1	Court	12'	N/A	10'	2'

Analysis

This proposal is inconsistent with both the spirit and intent of the zoning regulations. Specifically, the Dupont Circle overlay district was created to:

Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings **by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone;**

The overlay goes on to prevent the realization of additional height and FAR even through the Planned Unit Development process. The overlay also ***“preclude(s) demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area.”***

The requested height and FAR clearly exceed the permitted matter-of-right standards for this district and the language of the Dupont Circle Overlay District just as clearly precludes exactly the type of additional height and bulk proposed here.

For these reasons, both the Dupont Circle Conservancy and ANC 2B have issued strong objections to the project as it is proposed and, as of this date, the applicant has failed to address these concerns. Historic Preservation staff has also reviewed this proposal and will be recommending denial of the project as inappropriately large new construction that is incompatible with the character of the Dupont Circle Historic District.

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The applicant claims that the property is unique because the buildings are contributing buildings in the historic district that must be saved. The argument is that the owner must be compensated for FAR that is unusable in the buildings due to the preservation of the structures. OP finds this argument flawed in several respects.

First, the preservation of the building does not take away any FAR within the building. The applicant's inability to use all of the floor space efficiently for his preferred use is not a hardship imposed by preservation.

Second, nothing in the preservation of these structures precludes the applicant from realizing the full 4.0 FAR allowed as a matter-of-right in this district. The additional 1.42 FAR above and beyond this amount has no relation to the historic buildings or any preservation effort.

Third, both the historic district and the overlay district are in place to protect the existing buildings and the character of the existing neighborhood. The applicants claim suggests that this protection is a hardship that requires relief from itself.

Finally, the inefficient use of space, floor to ceiling heights, and architecture that the applicant claims are hardships are the very things that make these buildings historic and worthy of our protection. Using these characteristics as arguments for variances would have us building above and around of all of this city's varied and vital historic resources.

For all of these reasons, OP finds no validity in the arguments set forth by the applicant. The project as proposed cannot meet the standards for relief from the requirements of the zoning ordinance.

Since the development proposal does not meet the variance request and is not in keeping with the scale and character of the surrounding areas, OP also finds that the requested special exception for a hotel use is not approvable. This request can only be approved for a project that is not detrimental to the intent of both the zoning ordinance and the historic district.

Postponement Request

The Office of Planning received a copy of the applicant's request for rescheduling of their hearing.

The Historic Preservation and Development Review (HP/OP) staff met with the applicant and his representatives on March 16, 2004 and again on October 1, 2004. At both meetings the HP/OP staff made it clear that the proposal was too large and was inconsistent with the intent of the Dupont Circle overlay, and the historic character of the building, street and historic district. From a zoning standpoint OP has repeatedly stated that we could not support the variances, special exceptions, building additions, and demolitions necessary for the applicant's proposed hotel in this historic neighborhood.

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There were no “preliminary indications of support” from the development review staff as stated in paragraph one of the application. There have been no discussions or communications with the development review staff since the application was filed and no “recently raised” concerns relative to the zoning relief requested that the applicant was not made aware of in early spring 2004.

OP continues to recommend denial of this application.

Recommendation

The Office of Planning concludes that the applicant has not met the burden of proof, pursuant to 11 DCMR §3103 of the Zoning Regulations, for the granting of the requested variances, special exceptions and waiver. The request is not consistent with the Dupont Circle Overlay District and therefore cannot meet the tests for any of the requested relief. Further, OP rejects the applicant’s argument that historic preservation of these buildings results in lost FAR that must be returned by the city through the variance process.

OP strongly recommends denial of all of the requested relief for the project at 1743-55 N Street N.W.

EM/tp