GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17370 of Square 484 Hotel L.L.C. and 484 OPCO, L.L.C., pursuant to §§ 3104 and 2108, for a special exception to reduce the required number of parking spaces allocated for a hotel use, and for variances pursuant to §§ 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6, to permit 13 parking spaces not meeting the dimensional, striping, and accessibility requirements of the Zoning Regulations, in a DD/C-2-C District at premises 555 Massachusetts Avenue, N.W., and 599 Massachusetts Ave., N.W. (Square 484, Lot 27).

Note: The above caption describes the relief granted by the Board. The Applicant had originally requested the same special exception relief, but different variance relief. The original variance relief requested was from §§2115.9 and 2115.18, but the Board declined to consider relief under these provisions because they do not apply in a DD/C-2-C zone district.

HEARING DATE: October 18, 2005
DECISION DATE: October 25, 2005

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief originally requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (ANC) 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. No letter was received into the record from ANC 6C, however the Applicant advised the Board that the application was presented to ANC 6C at its regularly scheduled public meeting in July, 2005, at which time the ANC voted to support the application.

The Office of Planning (OP) submitted a report in support of the application and also testified in support. The District Department of Transportation submitted a report stating that it had no objections to the application.

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As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 2108, and pursuant to § 3103, for variances from §§ 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2108, and that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proving, pursuant to 11 DCMR §§ 3103, 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and 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.

The relief granted does not reduce the total number of 208 parking spaces provided by the hotel and residential uses at 555 and 599 Massachusetts Avenue, N.W., but rather permits a reallocation of such spaces to provide the residential use with a minimum of 134 spaces and the hotel use with 88 spaces, 75 of which comply with the dimensional, striping, and accessibility requirements of the Zoning Regulations, and 13 of which do not.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application be **GRANTED SUBJECT** to the following **CONDITION(S):**

1. The Applicant shall provide a minimum of 88 parking spaces for the hotel use, a minimum of 13 of which will be attendant-assisted. The remaining 75 spaces, whether attendant-assisted or not, will comply with the dimensional, striping, and accessibility requirements of the Zoning Regulations.

2. All parking areas and spaces in the hotel garage shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann, II to approve. Zoning Commission Member John G. Parsons to approve, by absentee ballot)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: NOV 0 1 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY

THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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Board of Zoning Adjustment

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As Director of the Office of Zoning, I hereby certify and attest that on NOV 0 1 2005, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Square 484 Hotel, L.L.C.
484 O.P.C.O., L.L.C.
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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR