

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 9, 2018

SUBJECT: BZA Case 19695 (1315 16th Street, N.W.), requesting to construct a new restaurant in the penthouse of an existing hotel.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- Subtitle C § 1500.3(c), Restaurant Use in a Penthouse; and
- Subtitle U § 504.1(f), Lodging Use

II. LOCATION AND SITE DESCRIPTION

Address	1315 16 th Street, N.W.
Applicant	Chris Collins and Jessica Bloomfield for LHO Washington Hotel Three, LLC
Legal Description	Square 195, Lot 846
Ward, ANC	Ward 2, ANC 2B
Zone	<u>MU-15</u> is a Mixed-Use Zone, providing for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.
Historic District	Sixteenth Street Historic District
Lot Characteristics	The rectangular lot is 14,918 square feet in area, with 129.5 feet of frontage along 16 th Street. The southeast corner of the lot is slightly irregular, resulting in 9.5 feet and 18.6 feet of frontage along a 25-foot-wide public alley, and 113.11 feet of frontage along a 12-foot-wide public alley.
Existing Development	The property is currently developed with a ten-story hotel (Hotel Rouge) with a height of 88.67 feet. The building was constructed in 1964 and was originally an apartment house with ground floor office space. It was converted into a hotel use in 1978 and has operated as such since that time. The development is currently nonconforming in terms of height and FAR, but complied with the bulk requirements of the SP zone when it was originally constructed.

Adjacent Properties	To the north, is a five-story nonprofit office building. To the south, is a ten story condominium building consisting of 181 units. To the east, across a network of alleys, are additional hotels and a financial institution, up to ten stories in height. To the west, across 16 th Street, is the Australian Embassy, with approximately seven stories, and a church.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly that of high density mixed uses, consisting of office, retail, and residential uses in taller structures.

III. PROPOSAL

The applicant proposes to construct a penthouse addition to an existing ten-story hotel building that will provide 2,235 square feet, accommodating a restaurant, restrooms, storage, and circulation. Approximately 191 square feet of mechanical space will be added for a new elevator and stair to the penthouse, and approximately 231 square feet will be located below a covered outdoor canopy. The penthouse restaurant would operate from 11:00 am to 11:00 pm outside, and to 12:00 am inside, Sunday through Thursday. It would operate from 11:00 am to 12:00 am outside, and to 1:00 am outside, Friday through Saturday.

The penthouse would not have a kitchen; rather, food would be prepared in the ground floor kitchen and delivered to the penthouse using existing elevators, and the proposed new elevator providing access between the 10th floor and roof. An outdoor deck would be provided, and no amplified recorded or live music will be permitted on the deck.

The proposed penthouse will require additional review by the Historic Preservation Review Board, as it is located in the Sixteenth Street Historic District.

The lodging use has been in existence since 1978, which was a matter-of-right use in the SP zone at the time. In 1980, the 1958 Zoning Regulations were amended to allow lodging uses in the SP zone with the approval of a special exception. The 2016 Zoning Regulations continue to require a special exception for a lodging use in the MU-15 zone. Due to the expansion of the penthouse, the applicant is required to bring the building into conformance with current use requirements for the zone, which requires a special exception as requested in this application

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- MU-15	Regulation	Existing	Proposed	Relief
Floor Area Ratio G § 602	4.0/2.5 max non-res.	6.0	No change	Existing nonconforming
Height (ft.) G § 603	65 ft.	89.66 ft.	No change	Existing nonconforming
Penthouse Height (ft.) G § 603	12 ft. except 18.5 ft. for mechanical space	Mech. – 17 ft.	Habitable – 12 ft. Mech. – 17 ft.	None required
Lot Occupancy G § 604	80%	60%	No change	None required
Rear Yard (ft.) G § 605	12 ft. min.	47.5 ft.	No change	None required
Side Yard (ft.) G § 606	None required	0 ft.	No change	None required

Zone- MU-15	Regulation	Existing	Proposed	Relief
Green Area Ratio G § 607	0.3	Not provided	No change	None requested
Parking C § 701	0.5/1,000 sq. ft. in excess of 3,000 sq. ft.	35 spaces	No change	None requested
Penthouse Use C § 1500	Mechanical equipment and uses permitted in the zone	Mechanical	Restaurant/ Mechanical	Required
Penthouse Setbacks C § 1502	1:1 from each building wall	--	1:1 min. from each building wall	None required

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to Subtitle C § 1500.3(c), to permit a restaurant within a penthouse.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The penthouse addition is consistent with the types of businesses that are currently located along Sixteenth Street, and the regulations permit this use provided potential impacts can be addressed. The proposed penthouse addition will comply with all bulk regulations, ensuring that it is compatible with the existing structure and the regulations. The proposal also furthers the intent of the Zoning Regulations in that the penthouse habitable space would trigger a contribution to the Housing Production Trust Fund estimated by the applicant at \$321,000, pursuant to Subtitle C § 1505.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The use of neighboring property should not be affected adversely by the proposed penthouse. The surrounding uses consist of offices that accommodate nonprofits, institutional uses, an embassy, and other hotel buildings. Residential uses are located to the south, in the General Scott Condominiums, and in row dwellings along O Street to the north. Sixteenth Street is a prominent corridor with significant vehicle and pedestrian traffic.

Buffers would be provided between the proposed penthouse and residential uses, consisting of a horizontal separation (in addition to any height separation) of approximately 22 feet between the subject building and the row dwellings along O Street, and 20 feet between the subject building and the Condominiums, and a 6 foot tall “greenscreen” guardrail around a portion of the deck closest to the condominium building. The applicant further notes that the proposed penthouse will be compatible with surrounding development by incorporating neutral materials and colors, and glass openings with aluminum mullions, and a glass guardrail.

The applicant further specifies that in order to minimize the impact of the proposed penthouse, the hours would be limited to 11:00 am to 11:00 pm (outside) and 12:00 am (inside) Sunday through

Thursday, and 11:00 am to 12:00 am (outside) and 1:00 (inside) Friday through Saturday. The applicant has also confirmed that no amplified recorded or live music would be permitted on the deck. The BZA may wish to make these conditions of approval.

The applicant has engaged with the community, including meeting with the representatives of General Scott Condominiums, as well as with the ANC. ANC 2B voted to recommend approval of the application, and the applicant will provide an update to the Board regarding feedback from the Condominium at the public hearing. Given that the property is located in a high traffic area, any noise generated on the penthouse should not unduly impact surrounding properties.

b. Special Exception Relief pursuant to Subtitle U § 504.1(f), to allow lodging in the MU-15 zone

504.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(f) Lodging for any number of guests, subject to the following conditions:

(1) The height, bulk, and design of the lodging use shall be in harmony with existing uses and structures on neighboring property;

The existing building was originally constructed in 1964 as an apartment house, and converted into lodging in 1978. At the time, the subject lot was zoned SP (1958 Zoning Regulations), which permitted a maximum height of 90 feet and a maximum FAR of 6.0, and is consistent with the height and density of nearby development. The existing lodging use, which has been in existence for nearly 40 years, is in harmony with neighboring uses, which include a mix of residential, office, commercial, and hotel uses.

(2) To ensure that the height, bulk, and design is in harmony with existing uses and structures on neighboring property, the Board of Zoning Adjustment may require special treatment in the way of design, building setbacks, screening, landscaping, sign controls, and other features as it deems necessary to protect neighboring property;

The applicant has provided architectural renderings of the existing lodging use with the proposed penthouse addition (Exhibit 10), demonstrating that it is compatible with the surrounding neighborhood. Adjacent development consists predominantly of higher density residential, office, and hotel buildings ranging between seven and ten stories in height. Row dwellings are located on O Street to the north of the site.

OP does not recommend any special treatment in the way of design, building setbacks, screening, landscaping, sign controls, or other features.

(3) The approval of the lodging use shall result in a balance of residential, office, and lodging uses in the applicable zones in the vicinity of the lodging use;

The subject building has accommodated a lodging use for approximately 40 years, and results in a balance of uses that include residential, office, and other lodging uses within the neighborhood. The proposed penthouse addition would add approximately 2,657 square feet to the building, which essentially serves as an expansion of the restaurant on the ground floor and would not affect the existing use balance.

- (4) *The gross floor area devoted to function rooms and exhibit space shall not exceed fifteen percent (15%) of the gross floor area of the hotel;*

The gross floor area devoted to function rooms and exhibit space is and would remain less than 15% of the gross floor area of the hotel.

- (5) *The lodging use shall be located within one thousand three hundred feet (1,300 ft.) of the Central Employment Area or a Metrorail station as measured from the entrance of the lodging use 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;*

The applicant has provided a vicinity map (Exhibit 9) demonstrating that the lodging use is located approximately 440.5 feet from the Central Employment Area.

- (6) *The Board of Zoning Adjustment may require more or less offstreet parking spaces and loading berths than required by this title to accommodate the activities of the lodging use, so as to avoid unduly impacting parking or traffic on the surrounding streets; and*

The existing site includes 35 on-site parking spaces and no formal loading facilities. The proposed penthouse addition would not trigger the need for additional parking. The site is transit accessible, located approximately one-half mile from Dupont Circle and Farragut North Metro Stations, and is located along ten different Metrobus routes. Loading will continue to occur at the rear of the building.

- (7) *The location and design of driveways, access roads, and other circulation elements of the lodging use shall be located to avoid dangerous or other objectionable traffic conditions;*

No changes are proposed to the driveways, access roads, or other circulation elements of the lodging use.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

In a report at Exhibit 35, the District Department of Transportation (DDOT) notes no objection to the approval of the application but notes that review by the Public Space Committee for ground level changes unrelated to this relief request may be required. As of the date of this writing, comments from other District Agencies had not been received.

Review of the proposal by the Historic Preservation Review Board will be required.

VII. COMMUNITY COMMENTS

At its January 10, 2018 regularly scheduled meeting, ANC 2B voted to recommend approval of the request. The applicant notes that it has met with representatives of the General Scott Condominiums and an update regarding a presentation to the full Condominium Board meeting of January 31, 2018, should be provided to the Board.

Location Map

