

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Anne Fothergill, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** July 19, 2019

**SUBJECT:** BZA Case 20085 - request for Variance relief to construct an addition for a new hotel function room at 1515 Rhode Island Avenue, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following Variance relief pursuant to Subtitle X § 1000.1:

- Subtitle U § 401.1(d)(2) – to allow the increase of gross floor area of a pre-1980 hotel to provide an additional function room
- Subtitle F § 604.1 – Lot occupancy (75% max. allowed; 82% proposed)
- Subtitle F § 605.1 – Rear yard (21.75 feet required; 18 feet proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address:	1515 Rhode Island Avenue, N.W.
Legal Description:	0195 0149
Ward / ANC:	Ward 2/ ANC 2B
Zone:	RA-10
Lot Characteristics:	23,853 SF irregularly-shaped lot with alleys to the north (rear) and west (left)
Existing Development:	Eight-story hotel with ground level restaurant and cafe
Adjacent Properties:	There is a 10-story hotel to the east, an alley and 9-story condominium building to the west; a pocket park and office building are across the street to the south, and a 25 foot alley and surface parking owned by the hotel are to the north.
Surrounding Neighborhood Character:	The neighborhood is primarily residential with a mix of rowhouses, high-rise residential buildings, hotels, and institutional uses

### III. PROJECT DESCRIPTION IN BRIEF

The Applicant is proposing to construct a one-story rear addition on the ground floor where there is currently an open courtyard. The new space would be used as an additional Function Room in the hotel. The proposed addition would add 2,563 SF to the first floor footprint. The new room would be accessed from an existing pre-function hallway and from the patio. There would be new restrooms and storage space next to the function room. The new addition would be 17'5" tall. The rear wall of the addition would connect to the existing rear screening perimeter wall adjacent to the parking spaces and alley.

<b>RA-10 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height	90' max.	86'	No change	None required
Lot Area	None prescribed	23,853 SF	No change	None required
Floor Area Ratio	6.0 max. for hotel	5.03	5.85	None required
Lot Occupancy	75% max.	71%	82%	<b>Relief requested</b>
Rear yard	21.75'	Varies - 11.3' to 68'	11.3' (existing non-conformity) and 18' (proposed)	<b>Relief requested</b>

### IV. OP ANALYSIS

#### Variance Relief

- Subtitle U §401.1(d) – Hotel space expansion for a function room
- Subtitle F § 604.1 – Lot occupancy
- Subtitle F § 605.1 – Rear yard

#### i. Exceptional Situation Resulting in a Practical Difficulty

A hotel has existed in this location since 1961. The Applicant is proposing changes to the hotel space due to a recent change in hotel ownership and an assessment of existing conditions and future hotel needs and programming. The new property owner evaluated the existing ground floor space and determined that the hotel function space is currently limited and that an additional function room was needed. They found that it would be difficult to reconfigure or expand the two existing disconnected small ballrooms to provide additional function space without any expansion of the footprint and that enclosing some of the outdoor courtyard for function space was a solution. The proposed footprint expansion would require variance relief from lot occupancy and rear yard as well as the use regulations for a hotel in this zone.

The property is wider (215 feet) than it is deep (124 feet) which allows for the hotel entrance, one ballroom, and commercial adjunct space (currently a restaurant and a café) with street frontage and access along Rhode Island Avenue NW but leaves limited internal space to

accommodate the hotel lobby, offices, function rooms and other needed hotel space. The property is restricted by alleys at the west (left) and north (rear) sides. The shallow shape of the lot and building footprint and the existing restricted interior space configuration are together an exceptional condition of this property that lead to a practical difficulty.

### **ii. No Substantial Detriment to the Public Good**

The proposed zoning relief would not likely be detrimental to the public good. The provision of additional function space within the hotel should not have a negative impact on neighboring properties. Many users of the new function space could be hotel guests or people coming from the nearby area to use the space for meetings and events. According to the Applicant, some neighbors have expressed concern about the noise from the current use of the outdoor courtyard and a desire to have that patio become enclosed space for noise mitigation so this expansion could possibly be beneficial to some neighbors.

The additional lot occupancy would be for a 17.5' tall massing which would be relatively low in height for the 86' tall building and would abut a parking area and two alleys and should not be detrimental to the public good. The condominium building to the west is across the alley from the proposed expansion of the hotel and the new massing should not adversely impact neighboring properties' light, air or privacy.

Allowing the western side of the property to have a rear yard of 18 feet where 21.75 feet is required would not be detrimental to the public good as the addition would align with the existing perimeter wall and there would continue to be a rear parking area and an alley between this property and the next property. The proposed expansion of the building would only be 17.5 feet in height and allowing the four feet of rear yard encroachment should not have a significant impact on neighboring properties. Along the eastern half of the property, the rear yard of the building is currently 11 feet and is considered an existing non-conforming condition of the property.

### **iii. No Substantial Harm to the Zoning Regulations**

Granting the requested relief would not substantially impair the intent of the Regulations. The RA zones "allow limited non-residential uses that are compatible with adjoining residential uses". In a previous BZA case regarding relief from the same regulation (350.4 under the 1958 regulations), the Board stated that this regulation:

"does not freeze all pre-1980 hotels in residential areas as they were, and it does not entirely prohibit changes or reallocations to their space; rather, § 350.4 seeks to protect existing residential neighborhoods by excluding the conversion of residential buildings to hotel uses and by preventing the construction of major conference centers as part of hotel developments."

In this case, with the addition of 2,563 SF at the rear of the hotel, it would not be considered a major conference center.

In terms of lot occupancy, the proposed addition to the hotel would have a lot occupancy of 82% on the first floor only. The upper floors of the 8-story building would remain at 71%, which is below the 75% maximum lot occupancy for the zone. With the addition, the Floor Area Ratio of the building would continue to remain under the maximum FAR allowed in this zone and the building height is also within the limit so the overall bulk and density of the building would be compliant with the building height and FAR regulations.

Because of the property's location adjacent to two alleys, the variance to allow less than four feet of rear yard encroachment should not harm the zoning regulations since the property is provided additional setback by the alley width and the open space buffer it provides and is not immediately adjacent to another building at the rear property line.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

No other comments from other District agencies had been filed at the time of this report.

## **VI. COMMUNITY COMMENTS**

The ANC report had not been filed at the time of this report. The ANC and the hotel recently entered into an ABRA settlement agreement (Exhibit 37 – Tab G).