

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Memorandum

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director *JS*
DATE: April 4, 2008
SUBJECT: ZC 08-02 - Hay Adams Hotel (Setdown Report)

ZONING COMMISSION
District of Columbia

CASE NO. 08-02

EXHIBIT NO. 11

PROPOSAL

The Hay-Adams Holdings, LLC has requested approval of an amendment to the zoning map to rezone the Hay Adams Hotel property located at 800 16th Street, NW from SP-2 to C-4 in order to allow an increase in density from 7.35 FAR to 7.99 FAR and an additional floor for the Hay-Adams Hotel.

RECOMMENDATION

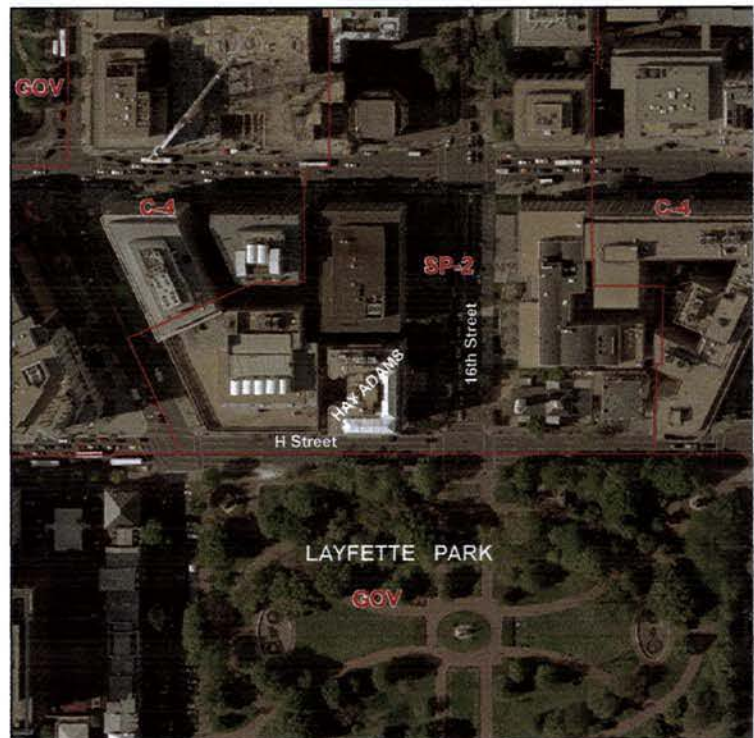
The Office of Planning finds that the proposed map amendment is not inconsistent with the 2006 Comprehensive Plan and Future land Use Map and recommends that the Zoning Commission set down the proposed amendment for public hearing to change the zoning from the SP-2 District to the C-4 District for the subject property.

SITE AND SURROUNDING AREA

The Hay Adams Hotel is located:

- At the northwest intersection of 16th and H Street NW;
- In Square 186 which is zoned SP2;
- In the 16th Street Historic District; and
- Is included in the Central Washington Area Element of the 2006 Comprehensive Plan (Chapter 16).

The subject property is currently zoned SP-2 and is approximately 12,879 square feet in area. As shown in the diagram to the right, the SP-2 District runs along both sides of 16th Street with C-4 zoned properties at the east and west of the SP-2 District.



ZONING

The SP Districts are designed to stabilize those areas adjacent to C-3-C and C-4 Districts and other appropriate areas that contain existing apartments, offices and institutions and mixed-use buildings. It is also designed to preserve and protect areas adjacent to commercial districts that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit (§ 500).

The C-4 or Central Business District is designed for the downtown core that comprises retail and office centers and is large enough to provide for an adequate area for a variety of commercial, retail, and business uses to serve the metropolitan area (§ 750). A comparison of the regulations of the existing and proposed zone districts is detailed in the table below.

	SP-2	C-4	Proposed addition
Maximum No. of Stories	No Limit	No Limit	8
Maximum Lot Occupancy	80% (res.)	100 %	No change
Maximum Height	90 ft.	110 ft. (130 ft. on streets 110 feet or wider)	98.6 ft.
Maximum FAR	6.0 FAR	8.5 FAR (10 FAR on streets 110 ft. or wider)	7.99

There are no residential uses requiring the buffer which can be provided by the SP-2 District, as this is part of the Central Employment Area, characterized with high density commercial land uses.

COMPREHENSIVE PLAN LAND USE MAP

The 2006 Comprehensive Plan Future Land Use Maps splits Square 186 into two (2) zone districts, C4 and SP-2 as shown in the previous aerial. SP-2 is considered a medium density commercial zone with high density residential. The current land use categorization of the site however has been changed with the 2006 revision of the Comprehensive Plan, including the subject property's definition as High Density Commercial which is characteristic of the C-4 zone designation. The current land use designation therefore confirms the intended type of development envisioned for the property.

COMPREHENSIV PLAN

The subject property is designated in the Central Washington Area as identified in the Generalized Policy Map of the 2006 Comprehensive Plan. The Plan identified priorities, policies and actions to guide the growth and development for Central Washington and the following policy is relevant to the proposed rezoning:

Policy CW-1.1.10: Central Washington Hotels and Hospitality Services

*...Hotels generate jobs for District residents and revenues for the general fund and should be granted incentives when necessary. Retain existing hotels by allowing and encouraging the expansion of those uses, **including the addition of one floor, approximately 16 feet in height subject to coordination with federal security needs, to the Hay-Adams Hotel 1608.11.***

ANAYLSIS

The Hay Adams Hotel constructed in 1927 by Harry Wardman is listed in the National Register of Historic Places and is subject to extensive review by the Commission of Fine Arts, the Historic Preservation Review Board, the National Park Service and The Secret Service (due to its proximity to the White House).

Constructed before the adoption of the 1958 Zoning Regulations, the hotel and its two abutting properties within the square are zoned SP-2. The SP-2 medium-high density categorization of the site does not permit the additional height specifically called out in the Comprehensive Plan. The proposed rezoning to C-4 would bring the property into conformance with the renovation anticipated by Policy CW-1.1.10 of the Plan. The proposal to rezone the property, while limited to the subject property, is not inconsistent with the city's Comprehensive Plan, or with the character and zoning of the surrounding area.

In the past, the Commission has raised the question of when a zoning amendment becomes a “spot zoning”. OP has asked the Office of the Attorney General (OAG) for a brief discussion to allay the Commission’s concerns. OAG has described spot zoning as the “wrenching” of a small parcel from its environment for the benefit of a single owner and without benefit to the public at large or the area affected, and has adopted a two-pronged test. To constitute illegal spot zoning, the Commission's action:

- (1) Must pertain to a single parcel or a limited area-ordinarily for the benefit of a particular property owner or specially interested part; and
- (2) Must be inconsistent with the city's comprehensive plan, or if there is none, with the character and zoning of the surrounding area, or the purposes of zoning regulation, i.e., the public health, safety, and general welfare.¹

It is OP’s opinion that this case is not a “spot zoning” because the resulting development is specifically referenced in the 2006 Comprehensive Plan.

AGENCY COMMENTS

The proposed addition of the permanent rooftop enclosure was reviewed and received concept approval from the Commission of Fine Arts in April 27, 2007. Similarly, on June 28, 2007, Historic Preservation Review Board staff supported the concept’s one-story addition, subject to a one-to-one setback ratio of the elevations. The reports are included in the applicant’s submission.

RECOMMENDATION

The Office of Planning **recommends the Zoning Commission setdown the** proposed amendment to the Zoning Map. OP supports the C-4 designation as being consistent with the 2006 Comprehensive Plan’s Future Land Use high density designation, which should permit the height increase necessary for the historic hotel’s renovation, including the proposed additional floor and subsequent increase in the site’s density.

¹ *Daro Realty, Inc. v. Dist. of Columbia Zoning Comm.*, 581 A.2d 295, 299 (D.C. 1990)