

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: August 21, 2008
SUBJECT: ZC 08-02 - Hay Adams Hotel (Final Report)

PROPOSAL

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

RECOMMENDATION

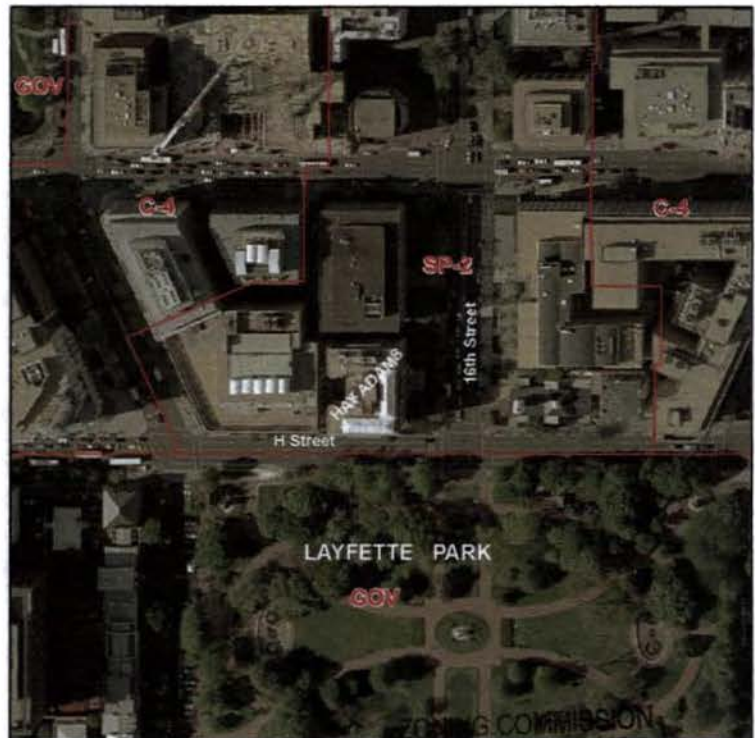
The Office of Planning finds that the proposed map amendment is not inconsistent with the 2006 Comprehensive Plan and Future Land Use Map and recommends approval of the proposed zoning change from the SP-2 District to the C-4 District for the subject property.

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, wedged between C-4 zoned properties to the east and west of the SP-2 District.



ANALYSIS

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 bulk regulations of the existing and proposed zone districts is detailed in the table below.

	SP-2	C-4	Existing	Proposed addition
Maximum No. of Stories	No Limit	No Limit	7	8
Maximum Lot Occupancy	80% (res.)	100 %		No change
Maximum Height	90 ft.	110 ft. (130 ft. on streets 110 feet or wider)	82.6 ft.	98.6 ft.
Maximum FAR	6.0 FAR	8.5 FAR (10 FAR on streets 110 ft. or wider)	7.35	7.99

Currently, there are no residential uses requiring the buffer protection of the SP-2 District, as the property and square is located within the Central Employment Area, with high density commercial land uses and it functions as the main area of employment within the city.

COMPREHENSIVE PLAN LAND USE MAP

The 2006 Comprehensive Plan Future Land Use Map designates the entire Square 186 as high density commercial (Exhibit F – applicant’s Jan 29, 2008 submission). The existing 1958 Zoning Map splits the subject square into the C-4 and SP-2 Districts as shown in the applicant’s submission (Exhibit D). The current land use designation of the site according to the 2006 revision of the Comprehensive Plan, defines the subject property as High Density Commercial which is primarily characteristic of the C-4 zone designation and a better representation of the existing commercial uses within the square and its abutting properties. The current land use designation therefore supports the existing development and future improvement to properties in this area.

COMPREHENSIVE 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... 1708.11.

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).

The hotel and its two abutting properties within the square are zoned SP-2. While the SP-2 zone also permits the hotel use, the zone designation does not accommodate improvements to the property which would include an additional floor and increased height of the hotel, which is specified in the 2006 Comprehensive Plan. The proposed rezoning to C-4 would satisfy Policy CW-1.1.10 noted above. Thus, while limited to the subject property, it is not inconsistent with the city's Comprehensive Plan, or with the character and zoning of the surrounding area.

At the Zoning Commission's April 14, 2008 public meeting, the Commission raised questions of spot zoning and whether SP-2 is also consistent with the Comprehensive Plan.

Spot Zoning

As previously stated in OP's setdown report, spot zoning is legally described 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, with two-pronged criteria as follows:

- (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

The subject map amendment does not meet the criteria which were established by the Court of Appeals (as referenced in the applicant's May 13, 2008 submission). The proposed map amendment would benefit the District's interest in retention of this long-standing historic establishment. The Hay Adams Hotel is integral to the historic fabric and economic vitality of the city. The proposed map amendment which would support its renovation to contemporary standards would ensure that the hotel remains competitive. The C-4 designation is not inconsistent with the 2006 Comprehensive Plan or with the purposes of the zoning regulations. Therefore, the proposal does not represent illegal spot zoning.

SP-2 District's Consistency

As OP stated on the record at the April 14, 2008 public meeting, SP-2 is not inconsistent with high-density uses as SP-2 and C-4 designations are both considered high density commercial. The intent of the SP-2 zoning is its buffer protection for residential areas which abut commercial areas. However, the

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

immediate surrounding area does not contain residential development. OP concurs with the applicant's argument that the Framework Element of the Plan includes the C-4 District as consistent with the high-density commercial land use of the property as designated by the Future Land Use Map.

Therefore, while the SP-2 is not inconsistent with the Land Use Map, no buffer protection is necessary on the southern most end of 16th Street, with its high density commercial uses, as opposed to further north on 16th Street where residential uses predominate.

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 Secret Service report was also obtained and the reports are included in the applicant's submission.

COMMUNITY COMMENTS

ANC 2B voted unanimously to approve the proposed map amendment at its regularly scheduled meeting on August 13, 2008. The report would be submitted under separate cover.

RECOMMENDATION

The Office of Planning **recommends approval of the** proposed amendment to the Zoning Map based on the discussion above. OP supports the C-4 designation as being consistent with the 2006 Comprehensive Plan's Future Land Use high density designation, which would permit the height and density increase necessary for the historic hotel's renovation. The renovation of this important historic hotel benefits the District as a whole and is not contrary to the purposes of the Zoning Regulations.

JLS/kt