

## EMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Cochran, Case Manager  
*JL* Joel Lawson, Associate Director for Development Review  
**DATE:** July 13, 2018

**SUBJECT:** BZA No. 19169C – Modification of Significance for Additional Loading Special Exceptions for the construction of a new hotel at 303--317 K Street, NW (Square 526, Lots 20,21, 804, 824, 825, 829)

### I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Board approve the following special exceptions as modifications of significance to Order 19169:

- C § 904.2 Loading Access (a drive aisle with a maximum slope of 12% required; a drive aisle with a 14% slope requested);
- C § 901.1, Loading Facilities: (Three 30-ft. loading berths and adjacent platforms required, variance previously approved to provide one 20-foot service/delivery space; two additional [3 total] 20-foot service/delivery spaces proposed).

OP has asked the applicant to supply additional drawings of the street-facing facades and to provide additional information about the compliance of the revised penthouse with relevant zoning regulations.

### II. BACKGROUND AND PROPOSED PROJECT



In 2016 the applicant received area variances under the 1958 Zoning Regulations from rear yard, parking and loading requirements pursuant to the planned construction of a hotel / residential building with a single story mechanical penthouse. That Order has been extended once, and will expire February 29, 2020. The current requests are being considered under ZR 16.

The applicant, Birchington, LLC, is proposing to construct a 13-story, 10.4 FAR, 247-room hotel, rather than the previously proposed 200-room hotel with apartments on the top two floors. The increased size of the hotel component has increased the number of loading berths required by Subtitle C § 901.1. While the applicant proposes to provide three service/delivery spaces -- two more than the previous variance approval required -- the proposed loading facilities would still require additional relief.

To accommodate the additional service/delivery spaces the applicant has revised the configuration of the loading area and is requesting special exception relief for an access ramp that would exceed the maximum slope requirements of Subtitle C, § 904.2.

The following table compares the loading previously required, the approved reductions, the loading required under the all-hotel scenario, and the loading now proposed.

	<b>Previous Proposal &amp; Requirements (DD/C-3-C/HPA)</b>	<b>Approved in Order 19169</b>	<b>Revised Plans and Requirements (D-4-R)</b>	<b>Revised Proposal</b>
<b>Hotel Rooms</b>	200	n/a	247	
<b>Apartments</b>	30	n/a	0	
<b>Loading</b>	One 30-foot berth; one 100 SF platform; one 20-foot service / delivery space	One 20-foot service/delivery space	Two additional 30-foot loading berths and adjacent platforms (3 total)	Two additional 20-foot service/delivery spaces (3 total)
<b>Loading Access</b>	12% or less slope	12% or less slope	12% or less slope	14% slope

The statement (*Exhibit 34*) and updated plans (*Exhibit 34A*), particularly *site plan at Sheet A-08* indicate that the design and dimensions of the building would be generally like what had been shown in Case 19169, with the following exceptions:

- The residential component and entrances have been eliminated;
- The one-story mechanical penthouse is now shown as a two-story penthouse with meeting space on the first level. No relief has been requested for the penthouse, and any habitable space exceeding 1,000 SF would trigger the affordable housing provisions of Subtitle C § 1505;
- The curb cut has been widened and would begin at the northern property line;
- The southwest corner of the ground floor would extend to the property line;

With respect to other requirements relating to previously approved relief:

- There continues to be a 4.5 residential requirement, for which Credits would be purchased;
- The dimensions of the rear yard, for which variances were approved, are unchanged;
- There is no longer a parking requirement for a D-zoned building in this location. The applicant would provide 44 vehicular spaces;
- The applicant indicates that no other zoning relief is required or requested.

<b>Address:</b>	901 5 <sup>th</sup> St, NW		<b>Legal Desc.:</b>	Square 516, Lot 59	<b>Ward/ANC:</b>	6, 6E
Lot Characteristics:	The irregularly-shaped, level, 10,767 square foot lot is on the northeast corner of 4 <sup>th</sup> and I Streets, N.W. The eastern 40% of the lot's northern boundary is 15 feet farther from the K Street property line than is the portion of the northern boundary closer to 4 <sup>th</sup> Street. The site does not have alley access and the District Department of Transportation does not permit curb cuts from K Street at this location.					
Zoning:	D-4-R – High-Density commercial and/or residential buildings in the central employment area, with a 4.5 FAR residential requirement.					
Historic	None					

### III. OP ANALYSIS OF REQUESTED MODIFICATION AND SPECIAL EXCEPTIONS

#### A. Special Exception Under Subtitle C § 909.3 from the Access Requirements of Subtitle C § 904.2

The applicant proposes access aisle with a 14% slope where Subtitle C, § 904.2 requires a slope not to exceed a 12% grade.

*909.3 The Board of Zoning Adjustment may grant, as a special exception, a waiver of the access requirements of Subtitle C §§ 904.2 and 904.3 if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates:*

*(a) The lot has unusual topography, grades, shape, size, or dimensions; or*

The applicant has worked with the District Department of Transportation (DDOT) to identify a site within the building's footprint that would be close enough to both the vehicular entrance and to the elevator banks to encourage delivery vehicles to use the interior loading spaces, rather than to double park on 4<sup>th</sup> Street. Given turning movements for head-in/head out access and egress, that service/delivery space location is the northeast corner of the site (*Exhibit 34A, sheet 19*). To provide access to these spaces, the ramp would have a 14% grade. A fully compliant 12% grade would result in the delivery spaces being located further from the garage entrance, and at a greater depth. DDOT has not objected to the proposed slope (*Exhibit 35*).

*(b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.*

The proposal would improve site design, landscaping and traffic patterns. The requested slope would enable the applicant to accommodate both parking and loading from 4<sup>th</sup> Street, with a single driveway and ramp system. Not having a separate curb cut on K Street, N.W. avoids introducing additional mid-bock turning movements on that more-heavily travelled, and respects the public space landscaping plan for K Street, which is intended to be the principal spine of pedestrian and retail activity in the Mount Vernon Triangle,

#### B. Relief from Loading Requirements of Subtitle C § 901.1 Pursuant to Subtitles C § 909.3 and X § 901.2

Under the revised plans, which substitute additional hotel rooms for the residential component, ZR16 would require a total of three 30' deep, 12' wide and 14' high loading berths, each with a 100 SF loading platform. In Order 19169 the applicant received a variance to provide a 20-foot service delivery space, rather than the required 30-foot loading berth. The current application builds on the previous Order and requests relief to provide two more service/delivery spaces (a total of 3) rather than the two additional 30-foot loading berths that would otherwise be required under ZR16 for the all-hotel project presented in the current Case.

### Applicability of a Special Exception

*C 909.2: The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by Subtitle C § 901.1 if, in addition to meeting the general requirements of Subtitle X, Chapter 9, the applicant demonstrates that:*

*(a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or*

The site has no adjacent alley. DDOT has prohibited a curb cut on K Street., NW, making the only possible access point a curb cut from 4<sup>th</sup> Street, NW. The Zoning Administrator has determined that because the proposed curb cut would not conform to 24 DCMR Chapters 6 or 11, it would be appropriate to consider the request as a special exception.

*(b) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

The site is not a historic resource. This criterion does not apply.

### Special Exception Review Standards

*X - 901.2 (a): Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

*X - 901.2 (b): Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

*X - 901.2 (c): Will meet such special conditions as may be specified in this title.`*

In Order 19169 the Board determined that variance relief was appropriate to provide one delivery space with a required a loading management plan for a 200-room hotel at this site, rather than the by-right requirement for a 30-foot loading berth, related platform and single service delivery space. The applicant is now proposing to triple the number of delivery spaces from what had been previously approved, for an approximately 24% increase in the previously-proposed number of hotel rooms. The loading management plan conditions approved in Order 19169 would continue to apply. The combination of the additional service/delivery spaces and the management plan would likely provide for loading operations that would be harmonious with the general purpose of the Zoning Regulations and would not be contrary to the intent of the high-density D-4-R zone.

#### **IV. OTHER GOVERNMENT AGENCY COMMENTS**

DDOT's report (*Exhibit 35*) states that the service delivery spaces, in conjunction with the Loading Management Plan, will be sufficient to accommodate the loading needs of the site.

No other government agency reports had been filed at the time this OP report was completed.

#### **V. COMMUNITY COMMENTS**

ANC 6E voted 6-0 "to support the application for (1) Two (2) 30' Loading Berths, and (2) Special Exception for 14% driveway grade" (*Exhibit 31*).

No other community comments had been filed at the time this OP report was completed.