

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Inmobiliara, LLC
ANC 2B

STATEMENT OF THE APPLICANT

This is the application of Inmobiliara, LLC (“**Applicant**”) for special exception relief to allow the conversion of and addition to an existing building for lodging use. The property that is the subject of this application is located at 1322-1326 18th Street NW (Square 137, Lots 33 & 824) (the “**Property**”). The Property is located in the MU-15 Zone District.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve the following two areas of special exception relief:

1. The rear yard requirements under Subtitle G § 605.1 (11-G DCMR § 605.1) pursuant to Subtitle G § 1201.1 (11-G DCMR § 1201.1) of the Zoning Regulations.
2. Lodging use pursuant to Subtitle U § 504.1(f) (11-U DCMR § 504.1(f)) of the Zoning Regulations.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested relief pursuant to Subtitle X § 900.2 and Subtitle Y § 100.3 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located in the Dupont Circle neighborhood of Ward 2 and contains approximately 6375 square feet of land area. The Property is an irregularly-shaped parcel located mid-block and is bounded on the west by two- and three-story commercial buildings, on the east by 18th Street, on the north by a driveway and eight-story office building, and on the south by a five-story commercial building. The Property does not have any alley access or any curb cuts. The Property is improved with three connected four-story buildings constructed circa 1882 (together, the “**Buildings**”) that are currently unoccupied but were most recently used as a private school. The Property is located within the Dupont Circle Historic District, and the Buildings are contributing to the historic district.

The immediate surrounding area is a mix of mostly institutional and commercial uses. Dupont Circle is approximately one block to the northwest. The area to the east and north, along Massachusetts Avenue NW, is characterized primarily by institutional buildings (American Enterprise Institute at 1785 Massachusetts Avenue; The Brookings Institution at 1775 & 1780 Massachusetts Avenue; Johns Hopkins University at 1717, 1740, & 1746 Massachusetts Avenue) and office buildings (1750, 1776, and 1800 Massachusetts Avenue). The area further to the north across Massachusetts Avenue is primarily a mixture of chanceries and residential uses. The areas to the south and west facing Connecticut Avenue are improved primarily with moderate and medium density retail and/or office buildings. The area to the east across 18th Street is improved with a mixed-

use office and residential condominium building (1325 18th Street), and two office buildings (1319 18th Street and 1771 N Street).

Three properties are adjacent to the Property at the rear (west): 1341, 1343, and 1345 Connecticut Avenue NW and are zoned MU-21.¹ The property at 1341 is improved with a four-story building used for retail and offices. The property at 1343 is improved with a three-story building used as a restaurant. The Property at 1345 is improved with a three-story building used for a restaurant/bar.

IV. PROJECT DESCRIPTION

The Applicant proposes to renovate and construct a rear addition and a one-story vertical addition on the Buildings for use as a lodging accommodation (the “**Project**”) as shown on the included architectural plans and drawings (“**Plans**”). The five-story Project will include 62 rooms that will be rented on a nightly basis to transient guests. The rooms will range in size from 247 square feet to 482 square feet, and they will not include kitchens or any food preparation facilities. Other than the lobby and circulation corridors, the Project will not include any common space for guests. Also, the Project will not have any full-time on-site staff since check-in and customer service will be mobile technology enabled through apps and texting.

¹ A small portion of the property containing the office building at 1800 Massachusetts Ave. also adjoins the Property’s rear.

Other than the relief requested herein, the Project will conform to the development standards of the MU-15 zone: it will have a height of 55'-8", a FAR of 4.0, and a lot occupancy of 84%. The Project's design is the result of the HPRB review process that shifted the massing of the addition from the top of the Buildings to the rear.² Since the Buildings are historic resources, vehicle parking and loading are not required, and they cannot be provided in any event due to the lack of alley access. Because of the unusual shape of the lot and the staggered shape of the Project's rear, the rear yard will be irregularly shaped with a depth of that varies from 2'-7" to 33'-6", which is less than the required depth of 12 feet. In addition, lodging use is allowed in this zone only with special exception approval. Accordingly, the Applicant requests relief from the rear yard requirement and to allow the lodging use.

² The HPRB gave concept approval to the Project's design on June 2, 2022. HPA 22-144.

V. THE APPLICATION SATISFIES THE CRITERIA FOR SPECIAL EXCEPTION RELIEF FROM THE REAR YARD REQUIREMENT

Relief from the rear yard requirement is permitted as a special exception subject to the criteria in Subtitle G § 1201.1 and the general provisions of Subtitle X § 901.2. For the reasons set forth below, the application satisfies these requirements.

- A. *No apartment window shall be located within forty feet (40 ft.) directly in front of another building (G § 1201.1(a)).*

The Project will not contain any apartments, and the adjacent properties at the Property's rear do not contain apartments. Accordingly, the Project will not have any apartment windows located within 40 feet directly in front of another building.

- B. *No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall (G § 1201.1(b)).*

The Project will not contain any offices, so no office window will be located within 30 feet directly in front of another office window nor 18 feet in front of a blank wall.

- C. *In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards (G § 1201.1(c)).*

As shown in the Plans, the rear of the Project will not be parallel to the rears of the buildings on the adjacent properties. However, as shown on the diagram on sheet A.00.02 and the rear elevation on sheet A.22 of the Plans, the shortest

distance that any rear window in the Project will be from the rear property line is 6.5 feet. All of the other rear windows on the Project will be 7'-3", 7'-7", 11'-4", 14'-4", and 32' from the rear property line. Because of these distances and the rear property line's angle relative to the orientation of these rear windows, the site lines that these windows will have onto the adjacent properties will be obscured and not intrusive. In fact, because of the askew orientation of the Project's rear relative to the adjacent buildings, there will not be direct sight lines from the Project's rear windows into adjacent building windows.

D. Provision shall be included for service functions, including parking and loading access and adequate loading areas (G § 1201.1(d)).

Vehicle parking and loading are not required for the Project.³ As described in greater detail below, parking and loading cannot be provided anyway because of the Property's constraints. Nevertheless, the proposed lodging use will result in little demand for parking and loading, especially as compared to residential or office uses, so such facilities are unnecessary in any event and can be adequately managed.

E. The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property (X § 901.2).

Granting the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. As described above, this application satisfies the specific special exception criteria for relief from the rear yard requirement. In addition, the proposed rear yard will provide adequate open space

³ Subtitle C §§ 704.2 & 901.7

at the Project's rear to allow ample light and air to the Property and neighboring properties. While the proposed rear yard depth will be less than the minimum requirement of 12 feet at points, the rear yard will have a mean depth of 12.5 feet. In addition, the area of the proposed rear yard – approximately 914 square feet – will be only slightly less than the area of a regularly-shaped rear yard that is 12 feet deep – 964 feet.

Further, because the proposed rear windows will not have direct sight lines to rears of adjacent buildings and because there will be adequate separation for light and air, the proposed rear yard will not adversely affect the use of neighboring properties. Indeed, the rear-adjacent properties are commercial properties used primarily for office and bars/restaurants, so they will not have their use or operations materially affected by the proposed rear yard.

VI. THE APPLICATION SATISFIES THE CRITERIA FOR SPECIAL EXCEPTION RELIEF FOR LODGING USE

Lodging use is permitted as a special exception under Subtitle U § 504.1(f) and the general provisions of Subtitle X § 901.2. For the reasons set forth below, the application satisfies these requirements.

- A. *The height, bulk, and design of the lodging use shall be in harmony with existing uses and structures on neighboring property (U § 504.1(f)(1)).*

As described above, the Project involves a one-story vertical addition and a rear addition to the existing historic Buildings. The resulting five-story (55'-8" tall)

building will be commensurate with the height and bulk of neighboring buildings, which vary significantly from nine stories on large lots (office building to the north) to two stories on small lots (retail buildings on Connecticut Avenue). Importantly, the design, massing, and height of the of the Project have been reviewed and approved by the HPRB as compatible with the Buildings and with the Dupont Circle Historic District in which it is located.

B. 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 (U § 504.1(f)(2)).

No special treatment is necessary for the design of the Project. The Project's massing has been designed to highlight and preserve the historic Buildings. The HPRB's review and approval of the Project reflect that the Project's height, bulk, and design are compatible with its context and surrounding properties.

C. 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 (U § 504.1(f)(3)).

The Property is an ideal location for lodging use because of the appropriate balance of residential, lodging, and office uses that will result in its vicinity. Due to the many large institutions nearby and the Property's location between residential areas to the north and the downtown core to the south, the area in the vicinity of the Property has a large demand for transient accommodations.

Furthermore, the Property in particular is ideal for lodging use because of its site characteristics, and its immediate surrounding context of mixed-use and non-residential uses in the MU-15 zone. The Property has virtually no ability to provide on-site parking, making it best suited to a use that will have little demand for parking. The Property has no alley access and the Buildings occupy its full width, so providing on-site parking would require a curb cut on 18th Street and demolition of part of the Buildings. Obtaining the necessary approvals for both of these elements would be nearly impossible due to DDOT policies regarding curb cuts and the strict limitations on demolition of historic structures.

As compared to matter-of-right residential use, lodging use will generate significantly lower demand for parking. Long-term residents at the Property invariably would have some demand for personal automobile parking that could not be accommodated. Conversely, guests in the Project will be temporary visitors who want accommodations in close proximity to amenities, so it's very unlikely that they will arrive by personal automobile with a need for parking. Once at the Project, guests will rely on the abundant nearby public transportation and/or ride sharing services for their transportation needs. The same cannot be said of residents if the Property were to be used as residential.

In addition, providing lodging at the Property will help lessen the demand for short-term rentals in the nearby residential neighborhood. The Dupont Circle neighborhood's abundance of amenities, central location, and proximity to large institutions and offices results in a high demand for transient accommodations,

particularly in the nearby residential areas to the northeast and west of Dupont Circle. This is reflected in the number of transient short-term rentals (e.g., AirBnBs) in these residential areas that may otherwise be available as long-term rental housing if more lodging accommodations were available elsewhere nearby to relieve the demand pressure. In other words, providing more lodging accommodations at the Property will help shift transient accommodation demand away from the residential areas to the mixed-use area south of Dupont Circle.

In addition, as shown on the map on sheet A.01 of the Plans, within a $\frac{1}{4}$ mile radius of the Property, there is a dearth of lodging accommodations relative to the abundance of commercial and institutional use in the neighborhood, which results in more demand pressure placed on the nearby residential areas. In particular, within $\frac{1}{4}$ mile of the Property, there are only approximately six buildings (hotels, inns) that currently provide lodging accommodations.⁴ Furthermore, as the attached map shows, the provision of a lodging accommodation at the Property would not result in an over-concentration of lodging uses in the immediate neighborhood or in the MU-15 zone, and it would result in an appropriate balance of residential, office, and lodging uses in its vicinity.

⁴ A lodging accommodation is proposed for 1312 18th Street NW, but the status of that project is unknown.

D. 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 (U § 504.1(f)(4)).

The Project will not include any function rooms or exhibit space. The Project will be devoted entirely to guest rooms and associated space (storage, corridors, etc.).

E. 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 (U § 504.1(f)(5)).

As the crow flies, the Project's front entrance is approximately 420 feet from the south entrance to the Dupont Circle Metrorail station.

F. The Board of Zoning Adjustment may require more or less off-street 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 (U § 504.1(f)(6)).

The Project will consist entirely lodging rooms and no conference/meeting spaces or accessory uses; thus, the expected demand for personal vehicle parking will be nearly nonexistent, and expected loading activity will be very limited. Notwithstanding that the Zoning Regulations do not require additional parking for the Project, guests choosing to stay in this location will do so precisely because they will not need a personal vehicle for transportation, and they will be able to easily rely on walking, nearby public transit, and ridesharing for transportation. There will be no on-site employees (all check-in and customer service will virtual via app

or text), so employees will not generate on-site parking demand either. Accordingly, the Project will not result in material adverse impacts on the surrounding streets due to automobile traffic and parking.

Similarly, because the Project will not have a restaurant or a large public gathering space, there will not be any regular deliveries of food, beverages, supplies, or equipment. Other than the initial deliveries of furniture and the limited supplies for guestrooms (e.g., toiletries), there will be almost no deliveries at the Project. Thus, even though the Zoning Regulations do not require loading for the Project, the demand for loading facilities will be very limited, and the expected loading activities will not have an adverse impact on the surrounding streets and properties.

G. 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 (U § 504.1(f)(7)).

The Property does not include a driveway or access road, and there is effectively no ability to provide an such access, as described above. Nevertheless, due to numerous public transit options and nearby services and amenities for guests, the Project is not expected to generate significant traffic such that it will not result in objectionable conditions in the neighborhood.

H. The requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property (X § 901.2).

Granting the relief to allow the lodging use will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. As a special

exception, lodging use is deemed to be an acceptable use in the MU-15 zone, provided that the specific standards can be satisfied. The proposed lodging use at the Property satisfies the specific standards for relief, as described above. In particular, the approval of this special exception will result in a use that is most appropriate for this Property to help stabilize nearby residential areas and satisfy a demand for transient accommodations in the neighborhood. The Project and its operation will not overcrowd land, will maintain the character of the zone and historic district, and will not create material adverse effects with respect to traffic and parking. Accordingly, the Project will not tend to adversely affect the use of neighboring property.

VII. COMMUNITY OUTREACH

The Applicant has met with the ANC 2B07 SMD representative and the Chair of ANC 2B's Land Use committee to review the Project. The Applicant will continue to work with the ANC and engage other community members regarding the Project.

VIII. LIST OF PUBLICLY AVAILABLE DOCUMENTS

1. Zoning Regulations and Zoning Map of the District of Columbia, available at dcoz.dc.gov.
2. Orders of the District of Columbia Zoning Commission and Board of Zoning Adjustment, available at dcoz.dc.gov.

IX. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested special exception relief in this case.

Respectfully submitted,
GOULSTON & STORRS, PC

_____/s/_____
Cary Kadlecek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 16, 2022, copies of the foregoing application and accompanying exhibits were delivered via email to the following:

Joel Lawson
D.C. Office of Planning
joel.lawson@dc.gov

Advisory Neighborhood Commission 2B
2B@anc.dc.gov

_____/s/_____
Cary Kadlecek