GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13276, of the Pennsylvania Avenue Development Corporation, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a structure which exceeds the height limitation (Paragraph 7107.21) and from the requirement that the building height be measured from the Pennsylvania Avenue curb (Sub-paragraph 5201.232) for a proposed addition to an existing hotel in a C-5 District at the premises 1401 Pennsylvania Avenue, N. W., (Square 225, Lots 4, 5, 31, 27, 32 and 801 and public alley proposed to be closed).

HEARING DATE: July 30, 1980

DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in the C-5 PAD District on the west side of 14th Street between Pennsylvania Avenue and F Street, N. W. The site fronts on all three streets.

2. The subject property is improved with the eleven-story Willard Hotel, which was built in 1901. The hotel was closed in 1968 and has been vacant since. It is listed on the National Register of Historic Places and is a Category II Landmark.

3. The applicant has leased the property to a developer who intends to renovate and preserve the existing Willard Hotel and to build an addition to the Willard between the Washington Hotel and the Willard Hotel. The combined complex will be operated as a hotel with approximately 600 guest rooms.

4. The exterior facade and roof of the existing Willard will be repaired and preserved, but will not be changed in height. The "F" Street portion of the addition will be built to the same height as or below that of the existing Willard in order to match cornice and roof lines so as to blend harmoniously with the existing facade.

5. The subject property is located within the planning jurisdiction of the Pennsylvania Avenue Development

Corporation (PADC). The PADC has adopted a development plan known as the Pennsylvania Avenue Plan - 1974 which became effective on May 19, 1975. PADC is empowered by the provisions of the Pennsylvania Avenue Development Corporation Act, 40 U.S.C. Sec. 871 et seq., to establish restrictions, standards and other requirements that will assure conformance to the plan.

6. In the exercise of its authority, PADC has developed a plan for Square 225. The plan calls for the preservation of the Willard Hotel and permits new development in the area between the Washington and Willard Hotels. The plan also provides that the new development between the Willard and Washington Hotels can extend to the full height of the existing Willard Hotel.

7. On June 8, 1978 the Zoning Commission adopted text amendments to the Zoning Regulations designed to implement the intent and purpose of the Pennsylvania Avenue Development Corporation Act and the Pennsylvania Avenue Plan - 1974. Specifically, the Zoning Commission rezoned all of the property in Square 225 from C-4 to the newly created C-5 PAD District. In doing so, the Commission permitted buildings or other structures fronting on Pennsylvania Avenue between 10th and 15th Streets, Northwest to be erected to a height not exceeding 160 feet.

8. At the same time that it permitted a building height of 160 feet, the Zoning Commission also adopted Sub-paragraph 5201.232 which requires that, for buildings fronting on Pennsylvania Avenue, the height shall be measured only from the Pennsylvania Avenue curb opposite the middle of the front of the building. Using this point of measurement procedure, the existing Willard Hotel exceeds the 160 foot height limitation, and is thus a non-conforming structure. In addition, the addition to be constructed by the applicant between the Willard and Washington Hotels would be 163.11 feet in height if measured from Pennsylvania Avenue.

9. The site slopes up from Pennsylvania Avenue to "F" Street, such that there is a difference in elevation of approximately seventeen feet between the two streets. If the height of the building is measured from "F" Street, it would be approximately 151 feet. If measured from 14th Street, the height would be 157.13 feet. The applicant requests a variance to measure the height from 14th Street.

10. If the height is measured from 14th Street, as stated above,the existing building would be less than 160 feet in height, and would thus not be a non-conforming structure.

11. The Office of the Corporation Counsel, by memorandum dated July 29, 1980, advised that the 1910 Height Act permits the height of a building fronting on Pennsylvania Avenue to be measured from the Avenue or any other street upon which it fronts.

12. The applicant, in proposing to construct the addition to the existing Willard Hotel, is confronted with an unusual and unique circumstance by reason of the design review authority conferred upon PADC. Certification by PADC must be a matter of record prior to the issuance of a building permit. Plans for the proposed addition were submitted to PADC by the applicant. PADC deemed the design and height to be in conformity with the PADC Plan and, accordingly, gave it's approval. Thus, the plans before the Board are plans which have been approved by the agency responsible for implementing the Pennsylvania Avenue Plan.

13. As indicated by the testimony of the applicant, a representative of PADC and a representative of the Commission of Fine Arts, none of the other buildings on Pennsylvania Avenue in the C-5 PAD District will require a variance from the point of measurement set forth in Sub-paragraph 5201.232. Accordingly, the Willard Hotel is the only building on Pennsylvania Avenue that will be affected by the Board's granting of the requested variance relief.

14. The existing building is also an historic structure. It is listed on the National Register of Historic Places and is a Category II landmark, indicating that it is a landmark of importance that contributes significantly to the cultural heritage or visual beauty of the District of Columbia and its environs, and which should be preserved or restored. The applicant's proposal is intended to preserve the existing Willard Hotel and to allow it to be used once again for hotel purposes.

15. Finally, the Zoning Regulations permit the construction of an 18 foot, 6 inch penthouse for stairs and elevators and mechanical equipment, which could bring the permitted height of buildings to 178 feet, 6 inches as opposed to 160 feet. Due to the fact that the applicant wants to match the proposed addition with the existing building as much as possible, however, it is proposed to also match penthouses. Thus, the proposed addition will have very minimal additions to the roof and will, in fact, be lower than the height permitted.

16. The applicant's practical difficulties in this case are due to several factors. First, topographical problems make it practically difficult to build an addition which complies with the Zoning Regulations. Second, under the strict application of Sub-paragraph 5201.232, the existing building as well as the proposed addition are nonconforming as to height. Accordingly, no addition to the building is permitted including an addition which is itself conforming. It is therefore impossible to construct an addition without the requested variance relief. Additionally, from a design standpoint, it would be practically difficult to design the proposed addition differently. As it is proposed, the addition is intended to match the cornice and roof lines of the existing Willard Hotel so as to blend harmoniously with the existing facade.

17. As the testimony of the architect discussed, the proposed renovation of and addition to the existing Willard Hotel has been specifically designed so as to avoid any possible adverse impact. The addition will not exceed the existing height of the Willard and will, in fact, be lower.

18. The addition will be set back from Pennsylvania Avenue so that the line of sight will in fact be lower than a building built on 160 feet. The F street facade will blend harmoniously with the existing facade, matching cornice and roof lines. The proposed addition has also been designed so as to match penthouses and, for that reason, will have very minimal additions on the roof and, in fact, be lower in height than permitted under the Zoning Regulations. Further, the proposed addition is under the permitted FAR.

19. The Office of Planning and Development, by report dated July 25, 1980 and by testimony at the hearing, recommended that the application be approved. The Office of Planning and Development reported that a policy of measurement taken from Pennsylvania Avenue would adversely impact the final design of the Willard Hotel, and thus the public benefit through the restoration of an historic structure, by restricting the architect's ability to match both the cornice and roof lines of the existing hotel. The end result would be a composite building, with an identifiable historic structure on one side and an obvious new addition on the other. The public objective in this case is clear, to support the public interest of perpetuating the classic renovation of a fully designed integration of an expanded, functioning historic landmark that compliments both the Pennsylvania Avenue area and the city. It was the opinion of the Office of Planning and Development that the required variances to construct the building addition as proposed are within the intent and purpose of the Zoning

Regulations, the Height Act, the PADC Plan and would affirm the visual clarity of the surrounding area. The proposed addition would harmonize and blend with the existing building and the proposed building height for the addition will be in keeping with the existing height of the Willard. The need for the requested variances arises from the specific character and shape of the site and the historic nature of the existing development. The approval of variances will strengthen greatly the quality of a landmark building. The Board concurs with the findings and recommendation of the OPD.

20. The Pennsylvania Avenue Development Corporation, by statement dated July 30, 1980 and by testimony at the hearing, supported the application. The Corporation advised the Board that the proposed design of the applicant's project has been subject to rigorous review by the Corporation to assure its compliance with the Pennsylvania Avenue Plan - 1974. This review continues, and under the terms of the lease, the applicant is to submit its design development drawings to PADC on or about October 13, 1980. By December 6,1980, PADC is obliged to deliver the site to applicant ready to build, with alleys closed and existing structures , except the Willard Hotel, cleared. The Corporation's request for the closure of public alleys on Square 225 received its first and favorable action by a Committee of the Council of the District of Columbia on July 23, 1980. Likewise, demolition of the structures adjacent to the Willard was begun recently by PADC's contractor. The Corporation is most anxious that this $75 million project proceed without delay, and fully supported the applicant's request for this variance. Relief to the applicant in this regard would further the public interest in that it would facilitate timely implementation of this very important project -- a project that has been actively pursued by the Corporation and other public bodies for over three years. The Board agrees.

21. Advisory Neighborhood Commission 2-C, by letter from its chairperson dated July 28,1980, supported the application.

22. The general manager of the Hotel Washington, by letter dated July 29, 1980, stated that he had no objection to the variance.

23. A representative of the Commission of Fine Arts testified in support of this application at the hearing, stating that the Commission had reviewed the plans and had given preliminary approval.

24. The National Trust for Historic Preservation, by letter dated July 23, 1980, urged approval of this application.

25. A representative of Don't Tear It Down testified in opposition to this application at the hearing. In her testimony, she did not object to the height of the proposed addition, but stated that Don't Tear It Down felt that the plans were in too preliminary a stage for the Board to approve. The Board disagrees. The plans submitted with the record are sufficient enough and the presentation of the applicant detailed enough for the Board to decide the issues raised by this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that several extraordinary or exceptional situations or conditions affect the subject site. These unusual and unique circumstances include the topography of the land, the existence of the historic structure, and the design review authority conferred upon PADC. The Board further concludes that topographical problems and the existence of the nonconforming structure make it practically difficult to build an addition which complies with the Zoning Regulations. The Board concludes that the Zoning Regulations impose a practical difficulty since under the 1910 Height Act, the applicant is free to choose either 14th Street or "F" Street as the point of measurement, either of which locations would make the building in full compliance with the height limitation. Additionally, the Board concludes that from a design standpoint, it would be practically difficult to design the proposed differently.

The Board notes that the application was advertised to request variances from two provisions of the Regulations. The Board notes that by allowing the height of the building to be measured from 14th Street, the existing building is no longer nonconforming. The Board concludes that no variance relief from Paragraph 7107.21 is therefore required. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations. Accordingly, it is ordered that the variance from Sub-Paragraph 5201.232 regarding the measuring point of the height is granted.

VOTE: 4-0 (Charles R. Norris, Connie Fortune and Leonard L. McCants to grant, William F. McIntosh to grant by proxy).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.