

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13457 of EBW, Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.48 to extend an existing hotel into two adjacent buildings, and for a variance from the prohibition against allowing penthouses and mechanical equipment to be placed in separate enclosures (Paragraph 3308.12) in an SP-2 District at the premises 1200-1214 - 16th Street, N.W., (Square 182, Lots 58,59 and 819).

HEARING DATE: April 8, 1981
DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of 16th and M Streets, N.W., in an SP-2 zone District at the premises known as 1200-1214 - 16th Street, N.W.
2. The site is presently improved by the Jefferson Hotel on Lot 819 at the corner, followed by two townhouse type structures on Lots 58 and 59 previously occupied as offices.
3. The applicant proposes the extension of the hotel facilities from the existing eight story Jefferson Hotel building into the two adjoining four story townhouse structures.
4. The hotel currently contains a total of ninety one rooms and seventeen suites. On the consolidated lots, there would be a total of 120 rooms and suites in hotel use. The Board notes, however, that pursuant to Certificate of Occupancy No. B97842, the applicant has permission to operate a total of 129 rooms just in the current Jefferson Hotel building.
5. The height, bulk and design of the proposed area for expansion of the hotel is in harmony with the existing uses and structures on neighboring property. Under the applicant's proposal there will be no significant change in the existing external appearance of these structures, which were apparently built about 1920. The character of the vicinity of the subject site is a diverse one. There are modern high-rise office structures of relatively recent vintage along 16th Street. There are a number of historic structures such as the Sumner School and Magruder School in Victorian eclectic style on M Street. Immediately to the north of the subject site are late Nineteenth and early Twentieth Century townhouse-scale structures in a variety of architectural styles. There is a large modern hotel structure in the northern half of the subject square, as well.

6. The applicant proposes virtually no exterior design changes to the existing structures other than the addition of a mechanical penthouse on the structures now situated on Lots 58 and 59. The applicant will replace the existing windows with more energy efficient glazing and may restore one of the entrances at premises 1212 - 16th Street to original window configuration. The applicant further wishes to develop a marquee or canopy at the entrance to the proposed area of expansion in keeping with the design of the existing structures and will apply to the Public Space Committee for approval of such a projection into public space.

7. This area is located in a highly developed area within the Central Employment District. The subject vicinity is not devoid of residential use. There is a 550-unit apartment house in the adjacent block to the east of the subject site, as well as scattered other residential use within a two-block radius. There are other hotels in the vicinity as well. The Gramercy Inn in the northern half of the subject square contains several hundred hotel rooms. The Holiday Inn at 17th Street and Rhode Island Avenue contains approximately 150 rooms. A small facility known as the Dolly Madison lies in the block east of the site on M Street and contains forty-four rooms. The applicant's proposal to add twelve new hotel rooms does not result in an excess or imbalance of hotel use in the vicinity. The applicant's proposal will remove two structures from office use and put them to hotel use, which improves the overall balance of uses in the vicinity of the subject site. In the case of a highly-developed neighborhood such as that involved here, approval of this hotel extension which does not exacerbate the imbalance of existing predominate office use is consistent with the intent of Paragraph 4101.48 of the Zoning Regulations.

8. In the existing Jefferson Hotel, 4,114 square feet of floor area are devoted to function rooms and exhibit space. The proposed expansion of the hotel will contain 1,805 square feet of function area. Since the combined area of the existing Jefferson Hotel and the proposed expansion is 80,198 square feet of gross floor area, the gross floor area devoted to function rooms and exhibit space is about 7.5 percent, far less than minimum fifteen percent of the gross floor area of the hotel, as permitted under Paragraph 4101.48.

9. No additional parking or loading berths are required. No new curb cuts are proposed and the existing loading berths at the rear of the Jefferson Hotel will adequately serve the expanded facility. The existing office use of 1212 through 1214 - 16th Street, which housed approximately forty employees, created a greater demand for parking and loading than the applicant's proposed use which will add only twelve new hotel rooms. The parking needs of such additional hotel guests are accommodated by overnight valet parking at other hotel facilities, in several commercial parking lots available within a three-block radius of the subject site, in existing spaces at the rear of the premises 1212 through 1214 - 16th Street, or by parking which will become available at the rear of the Jefferson Hotel and which is presently leased to the National Geographic Society.

10. There have been no reported incidents of traffic hazards or other problems under the existing access system. Since no new access routes or curb cuts or entryways are proposed, the Board finds that there are no dangerous or otherwise objectionable effects flowing from the location and design of driveways.

11. The existing eight-story Jefferson Hotel structure is an E-shaped structure which contains two penthouses on its roof housing mechanical equipment. The applicant desires to provide new mechanical services for the proposed extension and proposes to locate the structures on the roof of the two four-story structures into which expansion is proposed. Location of the mechanical equipment, especially air-conditioning equipment, to serve both the eight-story Jefferson Hotel and the four-story structures, would be more economical and efficient on the roof of the lower building. The alternative is to run the duct work and/or piping up and down an eight-story expanse from the roof of the existing Jefferson Hotel. Furthermore, the existing configuration of mechanical equipment on the Jefferson Hotel makes it difficult to accommodate new mechanical equipment in an aesthetically unobtrusive manner.

12. Location of this mechanical equipment on the roof of the lower structures would enable it to be set back further from the 16th Street facade of the structure and thus be less visually intrusive and visible from the streetscape below, than would erection of another penthouse on the roof of the existing Jefferson Hotel, which already contains two such structures. In addition, a new structural deck would have to be erected on top of the existing Jefferson Hotel roof to accommodate this new addition.

13. The Office of Planning and Development, by report dated March 20, 1981, recommended approval of the application on the grounds that the proposed structures are in harmony with the height, bulk and design of existing uses and structures on neighboring property, that approval of the proposed hotel use would result in a balance of residential, office and hotel uses in the SP District in the vicinity of the subject site, and that the hotel is located within the central employment area as defined in Section 1201 of the Zoning Regulations. As to the applicant's proposed location of mechanical equipment on the townhouse structures, the OPD was of the opinion that it would be impractical and architecturally damaging to construct a connection of this roof structure with the existing penthouses located four floors higher on the existing Jefferson Hotel roof. The Board so finds.

14. The Dupont Circle Citizens Association testified in opposition to the application, on the grounds that the proposed use would create an even greater imbalance of uses in the subject area than exists at present. The Association testified that the area already has a surfeit of hotel and office uses. The Association argued that the building was a non-conforming structure, that expansion of the hotel represented expansion of a non-conforming use, and that the hotel had insufficient parking.

15. A representative of Advisory Neighborhood Commission 2B, appeared in opposition to the application on the grounds that residential use would be the preferable use of the subject townhouses. The Board requested the ANC representative to submit a written report on behalf of the AND. No written report was received.

16. The Board is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission when presented in writing as a proper resolution of the ANC. The Board requested that the ANC representative furnish such a written report to the Board and held the record open until April 15 for that purpose. However, no written submission was received. Nevertheless, the Board has given full consideration to these concerns. The Board finds that the concern of the ANC, as well as the Dupont Circle Citizens Association, was to provide more housing in this area. The subject site is located within a heavily developed portion of the Central Employment District. Approval of the application will result in the removal of part of the surfeit of office use and the additions of a more residential-type use. The applicant's proposal is in keeping with the goals of the SP-2 District for which the subject site is zoned and is in keeping with attaining a balance of uses in the subject area under the provisions of Paragraph 4101.48.

17. As to the issues raised in opposition, the Board is required to determine that approval of the hotel use "shall result in a balance of residential, office and hotel or inn uses in the SP District in the vicinity." The existing uses in the area represent a mixture of uses. The use of a one block radius is a reasonable basis for looking at the area. The Board notes that extending the radius further in all directions would make no appreciable difference in the overall balance. The application will result in less office space and a very small increase in the number of hotel units. The SP District will not be overly weighted toward office, hotel or residential uses as a result of the application. As to parking, the Zoning Administrator determined that no relief as to parking was necessary. There is no basis in the record to make any other conclusion. The issue of non-conformity as to use or structure is not before the Board. The applicant seeks a special exception to expand the use, and proposes no addition to or expansion of the structure other than the roof structure for which a variance is sought.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant has met its burden of proof in seeking a special exception to allow extension of hotel use into the premises 1212-1214 - 16th Street and for a variance from the provisions concerning separate enclosures for penthouses and mechanical equipment. Because the applicant proposes virtually no exterior changes to the existing structures, the height, bulk and design of the hotel are in harmony with the existing uses and structures on neighboring property in accordance with the provisions of Sub-paragraph 4101.481. Although there is a predominance of office use in the vicinity of the subject site, the applicant's proposal will remove some office use and replace it in a more residential type and

less intense use. Under the provisions of Sub-paragraph 4101.482, approval of the hotel extension continues, a balance of residential, office and hotel use in the vicinity of the site in the SP District in this case, where the surrounding area is already substantially developed in a stable manner. The gross floor area devoted to function room and exhibit space does not exceed fifteen percent of the gross floor area of the hotel. The hotel is located within the Central Employment Area, in accordance with the provisions of Sub-paragraph 4101.484.

Since there is no change in the curb cut or loading facilities and no indication of adverse traffic conditions existing now, there is no need for the Board to require any additional off-street parking or loading berths for the subject site. The record reflects that the location and design of the existing driveways is sufficient to avoid any adverse traffic impact or otherwise objectionable condition in accordance with Sub-paragraph 4101.486. Since the proposed expansion is of relatively low intensity and will result in the creation of only twelve additional rooms, and is in keeping with the architectural quality, as well as the types of use in the surrounding area, granting of the special exception is in harmony with the general purpose and intent of the Zoning Regulations and maps, and will not tend to adversely affect the use of neighboring property in accordance with the zoning plan. Accordingly, the applicant is entitled to special exception relief under the provisions of Paragraph 4101.48.

The Board also concludes that the subject site is affected by an extraordinary or exceptional condition by virtue of the height discrepancy between the existing Jefferson Hotel and the immediately adjacent areas proposed for expansion of hotel use. Strict compliance with the requirements of Paragraph 3308.12 mandating that all mechanical equipment be encased in one roof structure would result in practical difficulties to the applicant as far as the cost and efficiency of furnishing modern heat, ventilating and air-conditioning equipment to the subject site. The applicant's request to locate mechanical equipment on the roof of premises 1212-1214 - 16th Street may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Placement of the new mechanical equipment on the lower structures rather than on the roof of the existing hotel, which already contains two such penthouses, will be less visually intrusive and more in harmony with the existing architectural character of the surrounding area. There will be no undue infringement upon the light, air and ventilation of the surrounding structures. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 5-0 (Ruby B. McZier, Charles R. Norris, William F. McIntosh, Douglas J. Patton and Connie Fortune to grant).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER 8 AUG 1981

UNDER SUB-SECTION 82-4.3 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 OR 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