

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13937 of the FCH Co., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibitions against increasing the gross floor area of an existing hotel and increasing the total area within an existing hotel devoted to function rooms (Paragraph 3105.34) to construct a new ground floor addition to be used as meeting rooms in an R-5-D District at the premises 1143 New Hampshire Avenue, N.W., (Square 72, Lot 74).

HEARING DATE: March 23, 1983

DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject site is located in Square 72 which is bordered by New Hampshire Avenue on the west, M Street on the north, 21st Street on the east and L Street on the south. The site is known as premises 1143 New Hampshire Ave., N.W. The site is located in an R-5-D District.

2. The subject property is improved with the nine-story, 360 room Ramada Renaissance Hotel. The proposed expansion site is currently part of a triangular-shaped court which is one floor below the main or ground floor level and is bounded on two sides by hotel meeting rooms and on the third side by the ten foot high wall of a parking garage which serves as the base for an adjacent nine-story office building located in the adjoining C-3-C district.

3. The hotel lies in a narrow R-5-D district which runs along New Hampshire Avenue connecting Washington and Dupont Circles and which serves as a transition between the mixed-use CR District to the west and the C-3-C District to the east.

4. Within two blocks of the subject site, the land uses include ten apartment buildings, three existing hotels and one new hotel anticipated by 1985 with a total of 1,164 rooms, and a concentration of large new office buildings focused on the intersection of New Hampshire Avenue and M Street.

5. The square directly across the street which is zoned C-2-C is mostly vacant and is used primarily as a parking lot. Starting at the Ramada Renaissance Hotel on

Square 72 and moving clockwise around the Square, the land uses include 2100 M Street, a nine-story office building, the Savoy Apartments, a vacant row house, the Marcheta apartments and the Carlisle House apartments which is currently undergoing major renovation as medical office space.

6. The subject building was constructed by the Washington Medical Center, Inc., pursuant to BZA Order No. 9998, dated July 14, 1969, which granted approval for variances from the rear yard, lot occupancy and roof structure requirements of the R-5-D District.

7. The original use of the building was as a "health hotel," with approximately 363 units available for use by transient guests, and as an extended health care facility. The building opened in 1971 as a "health"hotel" and continued in this capacity for approximately one year. In May of 1972, a phase-out of the extended care facilities began and by June of 1973 the entire facility, except for the ninth floor, was operated as a hotel. The ninth floor was leased to the Psychiatric Institute of Washington.

8. In 1978, the owner attempted to convert the building into a full service hospital. The necessary Certificate of Need was not issued, however, and in the Spring of 1979, the plans for a full service hospital were terminated.

9. The present owner, the applicant herein, contracted to purchase the building in bankruptcy proceedings and to continue its hotel use. This plan was approved by the Bankruptcy Court and by the City. Following renovation and interior decoration, the building opened in 1981 as the Ramada Renaissance Hotel.

10. The applicant is requesting an area variance to allow the construction of a one story, 2,812 square foot addition to the rear of the existing hotel located in a residential zone. The addition would fill in seventy-two percent of a below grade courtyard to provide improved banquet facilities and column-free meeting room space. Since opening the hotel in 1981, the owners have become aware that the hotel lacks adequate support or function space. Because the hotel does not meet the function space standards of the Meeting Planners Association, it does not meet the requirements of many potential business and convention groups and, in turn, its occupancy rate suffers. It is anticipated that improved marketability for such business will result in increased occupancy rates.

11. The variance requested in the application is a variance from the provisions of Paragraph 3105.34 prohibiting the addition to the gross floor area of an existing hotel an

R-5-A District and an increase in the total area within an existing hotel devoted to function rooms. The proposed development would increase the gross floor area by 2,812 square feet or 1.6 per cent.

12. In Zoning Commission Order No. 314, dated May 8, 1980, when the Zoning Regulations were amended to prohibit the addition to the gross floor area of an existing hotel in an R-5-D District, the Zoning Commission expressly declined to make existing hotels in Residential Districts non-conforming uses. Instead, existing hotels were permitted pursuant to Paragraph 3105.34.

13. Most of the existing function space is contained in a large banquet room which has the capacity to seat approximately 350 persons for dining. Because of the location of structural columns throughout the room, however, the room can only accommodate 100 persons in classroom meeting style, which is the primary need of business and convention guests to the hotel. Hotels with approximately the same number of sleeping rooms as the Ramada Renaissance have a minimum seating capacity of 325 persons and ninety percent can accommodate 500 persons or more. The applicant testified, because of the hotel's inability to compete with other hotels, it is faced with a loss of over \$4 million annually.

14. Due to the structural configuration of the building, the interior layout cannot be redesigned. Columns supporting the full ten floors are presently dispersed throughout the banquet room in such a way as to totally preclude use of this room for function space. Based upon engineering and architectural studies submitted for the record, these columns cannot be relocated. The difficulties involved in shoring during construction, as well as future settlement problems due to the introduction of heavy loads at new locations, indicates that the elimination of columns in the banquet room is not feasible. Further, even if theoretically possible, the columns could only be relocated at prohibitive cost.

15. The proposed addition would increase function space by thirty-eight per cent from 7,396 square feet to 10,208 square feet, resulting in a net gain of space for 125 additional persons. With increased occupancy rates, it is anticipated that residents of the Ramada Renaissance Hotel would be the primary users of the expanded function space.

16. The hotel has eighty-nine off street parking spaces. No parking is required for the expansion of the hotel. If the existing hotel were built in the adjacent C-3-C District, the proposed increase in function space would increase the parking requirement by three spaces. To

ensure adequate parking, the hotel currently utilizes attendant parking, effectively increasing its capacity to approximately 160 parking spaces.

17. The limited number of anticipated non-hotel residents likely to be attracted to the proposed meeting room, when coupled with its location both below grade and away from the street, would result in minimal impact on the residential/mixed use character of the area and on the adjacent buildings of Square 72.

18. There is no other reasonable use for the space proposed as the site of the addition. The space is small and abuts on two sides the walls of the hotel. On the third side it abuts the wall of a parking garage for the adjacent office building in a C-3-C district. The site has no street frontage and its only access is through the existing hotel. It is also one full floor below street level. Given these unique constraints, it is impossible to develop this portion of the site for any other permitted use.

19. The Office Of Planning by memorandum dated March 16, 1983, recommended that the application be approved with a condition. The Office Of Planning reported that the applicant purchased a hotel in 1979 which was not constructed originally with enough function/meeting room space to be competitive and survive today's market dominated by conventions and business meetings. The Office Of Planning was of the opinion that practical difficulties would occur because the applicant cannot physically create function/meeting space within the existing hotel, the only opportunity to add function space is to expand into the underground courtyard, and the 1980 changes in the Zoning Regulations prevent that expansion. The Office of Planning was of the opinion that given the small amount of space to be added, all of it below grade, behind the hotel and not visible from the surrounding streets, the proposed addition would have little noticeable impact on the area. The Office of Planning recommended approval of the subject application with the condition that the applicant continue to provide twenty-four attendant parking in parking garage. The Board concurs with the Office of Planning and its recommendation.

20. Advisory Neighborhood Commission 2A made no recommendation on the subject application. In BZA application No. 13879, dated January 27, 1983, wherein the same applicant requested the same relief as now requested, said ANC recommended approval of the application if the applicant were willing to enter into a written agreement with the ANC to maintain twenty-four attendant parking on its premises and have the agreement entered as a portion of the BZA Order approving the application. Application No. 13879 was dismissed without prejudice. The application was never heard on its merits. The applicant in the subject application did

agree to supply the twenty-four hour service. The Board deems that the recommendation of the ANC in the prior application to still be relevant since the relief, the applicant and the site are one and the same. The Board will require the applicant to provide attendant parking as a condition of approving this application.

21. The Dupont Circle Citizens Association (DCCA) opposed the application on the grounds that the proposed use would cause a significant increase in the intensity of use of the property, the intensified use would create a demand for additional parking spaces and loading facilities which the structure cannot satisfy and that the requested relief is contrary to the explicit intent and purpose of Zoning Commission Order No. 314 that the total area of the non-living space of a hotel should not be increased.

22. The Board, in addressing the objections of the DCCA, finds that the applicant is seeking a variance from the Zoning Regulations. Under Paragraph 8207.11 the Board has jurisdiction to consider and grant the relief requested. Zoning Commission Order No. 314 did not preempt the Board from this jurisdiction. The applicant is requesting the Board to waive that provision of Paragraph 3105.54 precluding an increase in the gross floor area of an existing hotel in an R-5-D District and increase in the total area within a hotel devoted to function rooms. The Board in evaluating the evidence of the applicant and the opposition will determine if the applicant has met its burden of proof and the variance relief can be granted. The Board further finds that the space to be added is small. While there will be some increase in the intensity of the use, it will not be as substantial as the DCCA argues and the intensity will not have an adverse impact on the neighborhood. The Board further finds that Zoning Commission Order No. 314 did not prescribe parking and loading requirements for an existing hotel in a R-5-D District. The Board finds that the parking provided by the applicant, albeit stacked parking, is adequate to serve the proposed increment. The Board also finds that the existing loading facilities are adequate.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that what is at issue is the amount of function space to be provided in the building. The basic hotel use, including function space, is permitted by Paragraph 3105.34. Consequently, in an R-5-D District the requested variance is an area variance, the granting of which requires the showing of a practical difficulty inherent in the property. The Board concludes that the peculiar shape of the lot, the existence of a structure on the site, the location of structural columns and the 1980 change in the Zoning Regulations are unique conditions inherent in the

property which create a practical difficulty. The Board further concludes that given the small amount of space to be added, all of it below grade, behind the hotel and not visible from the surrounding streets, the proposed addition would have little noticeable impact on the immediate area.

The Board further concludes that, while amendments to the Zoning Regulations completed by the Zoning Commission in May, 1980, prohibited even minor additions to hotels in residential zones, such does not preclude the applicant from seeking its relief through a variance from the Zoning Regulations. The Board concludes that the applicant has met its burden of proof according to the relevant standards of Paragraph 8207.11. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations.

The Board is of the opinion that it has accorded the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the applicant shall provide twenty-four hour attendant parking.

VOTE: 4-1 (Douglas J. Patton, Carrie L. Thornhill, William F. McIntosh and Maybelle Taylor Bennett to GRANT; Charles R. Norris OPPOSED).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUN 28 1983

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.

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