

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 369 *
CASE 81-15C
March 11, 1982

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on December 14, 1981. At that hearing session, the Zoning Commission considered an application from Kalian N.V. for consolidated review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted under the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The subject application requests consolidated review and approval for a PUD and map amendment from HR/SP-2 to HR/C-3-C for lots 31, 33, 34, 43-45, 836-838, 840-851, 864-867, 872, and 873 in Square 517. Square 517 is bounded by Massachusetts Avenue, and Fourth, Fifth, H and I Streets, N.W., and is zoned HR/SP-2.
2. The subject site is in the northwest portion of the square bounded by Massachusetts Avenue, Fifth and I Streets, and public alleys, and comprises approximately 44,600 square feet of land. The applicant proposes to construct a hotel/office complex on the site.
3. The SP-2 District permits as a matter-of-right medium/high density development including all kinds of residential uses with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment. The maximum height is ninety feet, the maximum floor area ratio (FAR) is 6.0 for residential and 3.5 for other permitted uses, and the maximum lot occupancy is eighty percent.
4. The C-3-C District permits matter-of-right development of major business and employment centers of medium/high density development, including office, retail, housing,

and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.

5. As a development incentive, the HR overlay district will also permit the construction of apartment buildings and/or hotels to a maximum FAR of 8.5, and a maximum height of 130 feet, depending on the width of the street upon which the building fronts.
6. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right development standards identified above.
7. The site is presently used as a commercial surface parking lot for 132 cars and has a frontage of approximately 385 feet along Massachusetts Avenue and I Street, 175 feet along Fifth Street, 333 feet along the alley to the south, and fifty-six feet along the alley to the east.
8. The remainder of the Massachusetts Avenue frontage in the square, east of the public alley, contains nine three-story row dwellings, a former D.C. fire station which is now a museum, a small surface parking lot, a beauty shop and a restaurant at the corner of Massachusetts Avenue and 4th Street. The southern portion of Square 517, along H Street, contains four two and three-story row structures, a vacant lot, law offices in a converted row structure, the ten-story Judiciary House apartment building and the Gospel Mission at the corner of Fifth and H Streets.
9. To the northwest and north of the site is HR/SP-2 zoning and beyond that is C-3-C and HR/C-2-C. To the northeast and east of the site is HR/SP-2 zoning and beyond that is C-2-C. To the southeast and south of the site is HR/SP-2 zoning and beyond that is HR/C-3-C and C-3-C. To the southwest and west of the site is HR/SP-2 zoning and beyond that is C-4 and HR/C-3-C.
10. North of Massachusetts Avenue opposite the site and along I Street as well are a number of commercial uses including a printing shop, two automobile repair establishments, a parking lot and an office building at the corner of 4th and I Streets known as 425 I Street.
11. West of this site, along I Street, are three large residential row structures, a four-story apartment building which contains approximately eight units, and the Fulton Hotel at the corner of 6th and I Streets.

The Corinthian Baptist Church is located at the corner of 5th and I Streets directly opposite the northwestern corner of the subject site. South of the church is the Gospel Mission and a grocery store at the corner of 5th and H Streets. All of these properties are located in the HR/SP-2 District.

12. South of Square 517 is the General Accounting Office, Saint Mary's Church and a dry cleaning establishment all of which are located in the SP-2 District which continues southward and incorporates Judiciary Square.
13. East of Square 517 is the center-leg of the freeway, the construction of the Union Labor Life Office Building, a proposed housing development over a portion of the freeway, and various unimproved parcels of land.
14. The applicant and developer of the PUD is Kalian, N.V., a wholly owned subsidiary of Societe Privee de Gerance, an international real estate developer with main offices in Geneva, Switzerland. For purposes of identification, the applicant has chosen "Inns of Court" to be the name of the development. Quality Inn will be the franchisor for the hotel component of the site and Crossgates, Inc., a real estate development and management company with expertise in hotel management based in western Pennsylvania will be the hotel operator.
15. The applicant proposes to construct a thirteen story hotel and an eleven-story office building together containing a gross floor area of approximately 362,450 square feet with indoor garage parking to accommodate 186 automobiles. The building will be of brick masonry construction. The proposed FAR is 8.1, with the hotel to contain 4.2 FAR and the office 3.9. The building is proposed to occupy approximately 39,000 square feet resulting in a lot occupancy of eighty-seven percent, with the hotel to occupy fifty-three percent and the office thirty-four percent. The height is to be approximately 124 feet. Such use will serve the needs anticipated from the construction of the nearby Washington Convention Center which is located approximately four blocks from the subject site.
16. The hotel portion of the development will contain 324 rooms, garage parking for ninety-eight cars, and 3,600 square feet of function and exhibit space. The hotel will not be a "convention-type" hotel but will rely on the Convention Center to provide the great majority of its function and exhibit space needs. The hotel component comprises approximately fifty-two percent of the total development in terms of FAR. The office portion will provide eleven floors of space and garage

parking for eighty-eight cars. There will be a total of four loading berths. One will be twelve feet by fifty-five feet located within an area twelve feet by ninety feet in size, and the other three berths will be twelve feet by thirty feet. The location and design of all parking and loading facilities have been reviewed and approved by the Department of Transportation.

17. The project proposes to include approximately 5,800 square feet of "green area", as well as an atrium. In addition, the applicant proposes to landscape and improve 13,000 square feet of the public green space along the Massachusetts Avenue frontage of the site as a public amenity. Therefore, total green space to be provided will be approximately 18,800 square feet.
18. The rezoning to HR/C-3-C is necessary for the project because HR/SP-2 zoning permits only a limited type of office occupant. The feasibility of the project is in jeopardy with only a restricted type office user being available for tenancy. Only twenty percent of all office users qualify as SP-type tenants. The office component of the project is critical to the overall development and is needed to attract financing and to defray some of the start-up costs of opening a new hotel.
19. The proposed development meets all District energy and environmental conservation requirements. Energy use is well within the capacity of existing supply. Estimated energy usage is 62,872 KVA per day. The site itself, privately owned, is presently of no environmental value as a parking lot.
20. The proposed project endangers no historic buildings. As previously noted, the entire tract is currently vacant with a substantial portion being used for parking.
21. The proposed development is well served by community services. The site has easy access for fire and police protection purposes. It is served by Fire Station Number Six located at 1300 New Jersey Avenue, N.W. The area is protected by the First Police Precinct located at 350 M Street, S.E. All municipal and public utility services are available to the site. Excellent Metrobus service is available and the site is located near the Gallery Place and Judiciary Square metro-rail stations.
22. The economic value of the project to the city goes beyond deriving real estate taxes from this tract which is slightly greater than one acre in size. Tax benefits to the City include the sales tax on the rental of hotel units and increased real estate taxes

on both the hotel and office building improvements over the existing parking lot. The proposed two-level parking garage will generate taxes from that use. Other tax revenues to the City include payroll income tax, food and beverage tax, and franchise tax. The site currently yields approximately \$45,500 in tax revenues annually. By 1984, it is anticipated that the site will yield approximately \$1.35 million in annual taxes to the District. The applicant's proposal is one which under current conditions and assumptions are anticipated to generate room rates in the range of \$55-\$60 per room in 1981 dollars. This is accomplished through a function of design of the facade of the structures and the presence of an office component of the project to help defray hotel start-up costs.

23. The project is designed to be completed well before the Convention Center is fully operational with booked conventions in 1985. Thus, the Convention Center will have rooms and space available to house guests attending its functions when it opens its doors.
24. The Office of Planning and Development, by memorandum dated December 4, 1981 and testimony presented at the public hearing, reported that in conjunction with the Downtown planning efforts currently underway by OPD, the Hotel/Residential overlay forms a significant statement of policy concerning the desirability of mixed uses as opposed to single use functions in those areas at the northern edge of Downtown. New development in the vicinity of the Convention Center will assist in creating the active and attractive environment envisioned by OPD for this area of Downtown. The H/R District is a key implementation tool to achieve these goals. The OPD was of the opinion that the proposed PUD is the type of development which the H/R zone is designed to promote and the type of development which will enhance the attractiveness and viability of the area, and hopefully encourage other appropriate development in this section of the city. The Commission so finds. The OPD recommended approval of the application, subject to proposed development conditions, guidelines, and standards.
25. The D.C. Department of Environmental Services, through the OPD memorandum, reported that it has reviewed the plans for this project, and the applicant's water consumption, sewer discharge and storm water run-off calculations. The Department has no objections to the proposed development and stated that the project will have a minimum impact on sewer and water systems. The Commission so finds.

26. The D.C. Department of Housing and Community Development, through the OPD memorandum, reported that the Department has no objections to the proposed development. The project is located within the Downtown Urban Renewal Plan area, but no public action is contemplated for this site. The Department notes that the Downtown Urban Renewal Plan calls for high density residential use for the square but also permits hotel and office uses which are compatible with residential use. The Commission so finds.
27. The D.C. Fire Department, through the OPD memorandum, reported that that agency has reviewed the application and has no objections to the proposed PUD.
28. The D.C. Office of Business and Economic Development, through the OPD memorandum, supported the project.
29. The D.C. Department of Transportation by testimony presented at the public hearing recommended one large and three small loading berths, right turn-in and right turn-out traffic operations at Massachusetts Avenue, that small-car garage parking spaces be grouped together, and that the plans be revised to extend the sidewalk paving along Massachusetts Avenue and I Street. The DCDOT representative also indicated that the vehicular access to and from the small loading berths was unworkable, and that the curb space on I Street is large enough to accommodate no more than two tour buses.
30. The DCDOT by memorandum dated December 31, 1981, supplemented its review and reported that a workable design for the small loading berths had been achieved, that no vehicular generation is expected to adversely affect the existing street system, and that the number of parking spaces provided is adequate. The DCDOT, however, recommended that twenty percent of the parking spaces allocated for office uses be set-aside for short-term parking, and that traffic operations to and from the development be limited to right turn-in and right turn-out. The Commission concurs with the findings and recommendation of the DCDOT. The Commission notes however, that the right-turn limitations suggested by DCDOT relate to traffic movements within public streets and alleys, and are entirely within the authority of the DCDOT to implement.
31. Advisory Neighborhood Commission-2C did not file a written report to express its concerns.
32. The Corinthian Baptist Church, which was admitted as a party, through its representative at the public

hearing, requested the removal of a lounge entrance from the Fifth Street side of the hotel. The applicant agreed to locate the entrance to the lounge off the lobby so that there would be no access to the lounge from Fifth Street.

33. There were letters in support of the application from two neighboring property owners.
34. There were no letters or testimony in opposition to the application.
35. On January 25, 1982 the Zoning Commission reopened the record in the case to receive additional information relative to:
 - a. the location of and access to tour buses,
 - b. the means by which noise levels could be reduced in the service areas,
 - c. identifying the time-of-day range for the typical trash pick-up, and
 - d. information that addresses the mobility needs of the handicapped.

With respect to that information, the Commission finds that three parking spaces for tour buses are necessary and that the applicant shall make appropriate arrangements to locate those three spaces on the site or on adjacent public streets. The Commission finds that the applicant's suggestion for reducing noise in the service area is reasonable, and will so condition the approval of this application. The Commission will further adopt the applicant's proposed hours of trash pick-up. The Commission finds that four parking spaces to service vehicles of handicapped persons can be provided. The Commission further finds that ceiling clearances of eight feet are sufficient to accommodate those vehicles.

36. The Commission finds that, with exception of the traffic operations recommendation by the DCDOT, the applicant has satisfied all of the issues and concerns associated with this application. The Commission finds that the DCDOT can exercise its authority to ensure safe traffic operations to and from the project.
37. The Commission finds that the development of the subject project with a hotel and office building complex will be in harmony with the existing development and plans for the area. The project will respond to the City's need for hotels within a convenient distance of the Washington Convention Center. The development will provide a catalyst for further construction around the Center. With a proposed groundbreaking of March/April 1982, this will

be one of the first newly constructed hotel projects in close proximity to the Center. Overall, the project meets the objectives of the Hotel/Residential Incentive District and, in doing so, furthers the City's goals in the areas of employment, transportation, public facilities and environmental quality, and provision of additional quality hotel units within the HR overlay zone.

38. The proposed action was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the action proposed by the Zoning Commission would not adversely effect the Federal interests in the preservation and protection of Massachusetts Avenue, designated as a Special Street in the Urban Renewal Plan for the Downtown Urban Renewal Area, and a major element of the 1791-92 plan of the Federal City, its related open space around the intersection of 5th, and I Streets and Massachusetts Avenue and the nearby Old Engine Company No. 6, a Category II Landmark of the National Capital, and other Federal interests in the National Capital and would not be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of a well-planned mixed hotel and office development which will offer more attractive and efficient overall planning and design without sacrificing creative and imaginative planning.
3. Approval of the application would be consistent with the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat, 797) by furthering the general public welfare and serving to stabilize and improve the area.
4. The proposed application can be approved with conditions which would insure that the development would not have an adverse effect on the surrounding community.
5. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the

Zoning Regulations and Maps of the District of
Columbia.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the Consolidated Planned Unit Development and adoption of a change in zoning from HR/SP-2 to HR/C-3-C for lots 31, 33, 34, 43, 44, 45, 836, 837, 838, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 864, 865, 866, 867, 872, and 873 all in Square 517, bounded by Massachusetts Avenue, I Street, 5th Streets, N.W. and public alleys containing 44,827 square feet, subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed in accordance with the plans prepared by A. J. Rappatone, Architect, dated December 14, 1981 with revisions dated December 18, 1981, marked as Exhibit No. 50-B of the record, as such plans may be modified to conform to the guidelines, conditions and standards of this order.
2. The planned unit development shall be a mixed use project consisting of hotel, office, retail and ancillary uses. The maximum floor area ratio shall not exceed 8.1, of which a maximum of 3.9 FAR shall be devoted to office, retail and other uses as permitted in the HR/C-3-C District and not less than 4.2 FAR shall be devoted to hotel and supporting uses as permitted in the HR/C-3-C District. The hotel shall have a maximum of 324 sleeping rooms.
3. The maximum height of the building shall not exceed 124 feet, as measured in accordance with Sub-Section 4702.3 of the Zoning Regulations.
4. Roof structures may exceed the height set forth above, provided that no roof structure shall exceed 18'-6" in height above the roof upon which it is located. Each roof structure shall be set back from the exterior walls of the building a distance of one foot for every foot of height above the roof. The floor area ratio for all roof structures shall not exceed 0.37. Roof structures shall be constructed as shown in Exhibit 50-B of the record and shall be faced with the same red brick as that specified for the facade of the building.
5. The principal facade materials for the building shall be red brick of the style and color of Exhibit 51 of the record or its equivalent, and bronze tinted glass.
6. Landscaping and site improvements shall be constructed as shown on Drawing L-1, dated 12/18/81 and marked as Exhibit No. 50-C of the record. The costs of constructing

improvements located in public space shall be borne by the applicant and such improvements shall be maintained by the applicant.

7. Off-street parking for 186 vehicles shall be provided as shown on Drawing Nos. A-1 and A-2, dated 12/14/81 with revisions dated 12/18/81, of Exhibit No. 50-B of the record. A maximum of fifty-four spaces shall measure eight feet by fifteen feet and shall be used exclusively for small cars. All such spaces shall be lined and clearly marked for such use. On the level shown on drawing A-2 of Exhibit No. 50-B, eighteen spaces shall be reserved for short-term parking to serve the office building during the hours of 9:00 A.M. to 5:00 P.M. excluding Saturdays, Sundays and legal holidays.

8. A minimum of four spaces measuring twelve feet by nineteen feet for use by vehicles to service handicapped persons shall be provided and shall be clearly designated for such use by painted markings and/or signs. In cellar areas designated for parking of vehicles of handicapped persons, and in all driveways and aisles providing direct access thereto from the exterior of the building, there shall be an unobstructed ceiling clearance of eight feet.

9. The design and arrangement of the vehicle egress from the building into the adjacent public alley shall be subject to the approval of the Department of Transportation and shall be so arranged as to maximize safety of vehicles exiting from the garage and traveling in the alley.

10. A total of four loading berths shall be provided as shown on Drawing A-03, dated 12/14/81 and revised 12/18/81, of Exhibit No. 50-B of the record. Any modification to the configuration, arrangement or size of the berths shall require the explicit written approval of the D. C. Department of Transportation.

11. Prior to the issuance of any building permits for the project, the applicant shall demonstrate to the Zoning Administrator that the D. C. Department of Transportation is prepared to reserve three parking spaces for buses on the east side of 5th Street and/or the south side of I Street adjacent to Square 517. In the alternative, the applicant shall provide three accessible parking spaces for buses on the site itself.

12. All trash pick-ups shall take place between the hours of 7:30 A.M. and 12:00 noon. Any trash compactor located in the service area shall not be operated between the hours of 6:30 P.M. and 7:30 A.M. The ceiling and walls above a height of six feet of the loading berth areas shall be covered with acoustical tile.

13. No interior lights on the south side of the building shall be plainly visible from the exterior of the building after 9:00 P.M. at night.

14. The entire planned unit development shall be constructed in one phase. No certificate of occupancy for the office portion of the building shall be issued until a building permit for the hotel portion of the building has been issued and construction on the hotel has commenced. If the hotel is not completed within six months after the Certificate of Occupancy for the office is issued, such certificate shall be revoked, and occupancy of the offices shall be suspended until the hotel is completed.

15. The change in zoning from HR/SP-2 to HR/C-3-C shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.

16. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this Order, or amendments thereof, of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.

17. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this Order.

Vote of the Zoning Commission taken at the public meeting on February 11, 1982: 3-0 (Commissioners George M. White, Lindsley Williams, and Walter B. Lewis, to approve with conditions - Commissioner Ruby B. McZier, not voting not having participated in the case and Commissioner John G. Parsons, not present not voting).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on March 11, 1982 by a vote of 3-0 (George M. White and Walter B. Lewis to ADOPT; Lindsley Williams to ADOPT by ABSENTEE vote; Ruby B. McZier and John G. Parsons not voting, not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this Order is final and effective on MAR 26 1982. The amendment to the Zoning Map shall not be effective until the covenant required by Article 75 is recorded in the land records of the District of Columbia.