

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 631

Case No. 89-6M/62-19

(PUD Modification - Watergate)

September 11, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on June 8, 1989. At that hearing session the Zoning Commission considered an application from the Watergate Improvement Associates, pursuant to Section 2407.9 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

FINDINGS OF FACT

1. The application, which was filed on January 25, 1989, requested modification to the Zoning Commission Order in Case No. 62-19 (as amended), dated July 17, 1962. The Order in Z.C. Case No. 62-19 approved a Planned Unit Development to construct a mixed-use project known as the Watergate Complex.
2. The requested modification to the PUD would approve a 2,000 square foot expansion of the health club in the Watergate Hotel, a part of the Watergate Complex. The applicant improvidently began and completed construction of the expansion when application for the required building permit was pending. Thereafter, the application for a building permit was denied because the Zoning Administrator determined that the permit could not be approved without a modification of the approved PUD.
3. The Watergate Complex was constructed on approximately 9.5 acres (412,000 square feet) of land in the SP-2 District. The approved complex, which has building heights up to 130 feet, contains over 500,000 square feet of office space, a 237-room hotel, 644 apartment units, underground parking, the health club, and a significant amount of retail space. There are 1,240 parking spaces located in a 3-level common garage which serves the entire complex.
4. The Watergate Hotel, the portion of the original PUD within which the health club is located, consists of a

13-story structure containing 237 guest rooms, 2 restaurants, 2 bars and a lounge area, and 3 basement levels below grade with the health club on the third level.

5. The expansion increased the square footage of the health club from 11,500 square feet to 13,500 square feet, and thereby provided a health club facility that responds to demands of the 1989 consumer, in that it provides a full spectrum of cardiovascular and weight training programs and certain types of exercise equipment.
6. The membership of the club currently consists of 512 members, many of which live or work within the Watergate Complex or in the immediate area, and is less than the highest membership count, approximately 600, in the early 1980s.
7. Although the expansion of the health club removed six parking spaces from the B-3 level, the parking area near the club expansion has been restriped to provide a net gain of one space.
8. By memorandum dated May 30, 1989, the District of Columbia Office of Planning recommended approval of the application. OP testified that the expansion is appropriate for, and responsive to, the increasing spatial requirements of the health club facility of the Watergate Hotel. OP further testified that the removal of the six parking spaces did not adversely affect the parking supply of the Watergate Hotel or the Watergate Complex as a whole. OP concluded by noting that the application does not impair the intent, purpose, and integrity of the Zoning Regulations and is consistent with the Comprehensive Plan of the District of Columbia.
9. By memorandum dated May 19, 1988, the Department of Public Works (DPW) indicated that it had no objection to the proposed modification. DPW indicated that approval of the expansion will have no significant impact on the transportation element of the plan or on the surrounding street system.
10. By letter dated May 25, 1989, Advisory Neighborhood Commission (ANC) 2A indicated that it had no objection to the subject application. ANC 2A indicated that representatives of the ANC toured the health club facility and examined the adjacent parking facility. ANC 2A concluded that the expansion did not have any adverse impact on the parking situation within the Watergate Complex.

11. A resident of Watergate West and member of the health club testified in support of the application. She stated that she was unaware of any objection to the application by residents of Watergate West, and testified that because of the expansion, an entrance is now available on level B-3, which is very convenient for residents of Watergate West. The resident further testified that she parks her car on level B-3, unlike most Watergate West residents, who park on level B-2. She indicated that she has not had a problem finding a parking space on that level.
12. Watergate West, Inc., was admitted as a party in opposition to the application. No testimony was offered by Watergate West, since no representative from the organization was present at the public hearing. Counsel for Watergate West complained that while his client supported the health club expansion, it was concerned that a reduced garage would make parking spaces more difficult for his client's members to find and rent.
13. At the conclusion of the hearing the Commission determined that if further modifications are proposed in the PUD, the applicant shall be required to complete the permit process before making modifications.
14. The Commission concurs with the position of OP and others. The Commission also concurs with ANC 2A that approval of modification will not adversely affect the parking situation within the Watergate Complex.
15. The Commission finds that the expansion of the health club did not change the floor area ratio (FAR), gross floor area, height, lot occupancy, rear yard or side yard requirements, loading facilities, or amenities offered in any way from the original order; that is, Z.C. Case No. 62-19.
16. The Commission also finds that if further modifications are to take place, Watergate Improvement Associates must have a complete parking plan that shall include, but not be limited to, complete identification of all parking that is provided throughout the complex, how it is assigned, who will manage it and how it would change under a new proposal.
17. The proposed action of the Zoning Commission to approve the application, with conditions, was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. NCPC, by report dated September 11, 1989, found that the proposed action of the Zoning Commission would not adversely affect the

Federal Establishment or other Federal interests in the National Capital nor 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 because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purpose of Section 2400, which is to encourage the development of well-planned residential, institutional and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this PUD modification is not inconsistent with the Comprehensive Plan for the National Capital.
5. Approval of this PUD modification is consistent with the purposes of the Zoning Act.
6. The PUD modification can be approved with conditions that ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
7. Approval of this PUD modification will promote development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. By this approval, the Zoning Commission does not condone the applicant's premature construction of the expansion.
9. The Zoning Commission has accorded to the Advisory Neighborhood Commission (ANC) 2A the "great weight" consideration to which it is entitled.
10. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of

Law, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a modification to a previously approved PUD for Lot 809 in Square 8 at the Watergate Complex located at 2600 Virginia Avenue, N.W., subject to the following guidelines, conditions and standards:

1. The planned unit development modifications approved herein shall be in accordance with the plans prepared by Luigi, Moretti, Corning, Elmore & Fischer Architects marked as Exhibit No. 4 of the record.
2. The requested modification, which approves a completed expansion of the existing health club in the Watergate Hotel, a part of the Watergate PUD, shall increase the approved square footage of the health club from 11,500 square feet to 13,500 square feet.
3. The expansion of the health club shall not change the floor area ratio (FAR), gross floor area, height, lot occupancy, rear yard or side yard requirement, loading facilities, or amenities offered in any way from the original order; that is Z.C. Case No. 62-19.
4. There shall be no less than 1,240 parking spaces located in a three (3) level common garage that serves the entire complex, at all times.
5. This modification to the PUD approved by the Commission shall be valid for a period of two years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3.
6. Pursuant to D.C. Code sec. 1-2531 (1987), section 267 of the D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provision of D.C. Law 2-39, as amended.

Vote of the Zoning Commission taken at the public meeting on July 10, 1989: 5-0 (John G. Parsons, Maybelle Taylor Bennett, William L. Ensign, Lloyd D. Smith, and Lindsley Williams to approve with conditions).

The guidelines, conditions, and standards were approved at the public meeting on August 7, 1989 by a vote of 3-0 (John G. Parsons, Lloyd D. Smith and Maybelle Taylor Bennett to approve; William L. Ensign, not voting, not present; and Teresh Boasberg, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at the public meeting on September 11, 1989 by a vote of 4-0 (John G. Parsons, Lloyd D. Smith, Maybelle Taylor Bennett and William Ensign to adopt; Tersh Boasberg, not voting, not having participated in the case).

In accordance with 11 DCMR 3028, this order is final effective upon publication in the District of Columbia Register; that is, on NOV 03 1989


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

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