

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



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By US Mail and Email PDF

Norman M. Glasgow, Jr.
Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, DC 20006

Re: Watergate Hotel – 2650 Virginia Avenue, NW

Gentlemen:

This is to confirm the substance of our discussion on Thursday, September 22, 2011, concerning the Watergate Hotel, located at 2650 Virginia Avenue, N.W. The Hotel is part of the larger Watergate development, which is located on record lot 7 in Square 8. The Hotel property was formerly known as Lot 807 and is now currently comprised of lots 2001 and 2002.

The overall Watergate project includes three apartment buildings, Watergate East, Watergate South and Watergate West, an office building at 2600 Virginia Avenue, an office building at 600 New Hampshire Avenue and a retail mall, all built on a parking garage which covers the site. The three apartment buildings are cooperatives and the two office buildings are individually and separately owned. The property is zoned SP-2.

The Watergate was approved as a planned unit development ("PUD") and was one of the first major mixed use projects done under the PUD regulations after 1958. At the time, the Zoning Regulations required the Zoning Commission to give general approval to a PUD and the Board of Zoning Adjustment ("BZA") to subsequently approve further processing of the specific building plans. The PUD was approved and constructed in four stages; the hotel was part of Stage 2. The Zoning Commission's approval was given in July, 1962, and the BZA approved Stage 2 in Order No. 7903, dated October 7, 1964.

In 2003, the owner of the hotel applied to the Zoning Commission for a modification to the PUD to allow the hotel to be converted to an apartment house. By Order No. 03-16, dated June 14, 2004, effective August 6, 2004, the Commission approved that application. The approval was appealed to the D.C. Court of Appeals, which ultimately upheld the Commission's decision. Due to the time delay and the changes in market conditions, the conversion of the hotel to an apartment house did not proceed and the hotel closed in 2007 and has remained empty since that time.

You advised that the present owner of the hotel now wishes to renovate the building and reopen the hotel. In a previous letter, dated April 2, 2010, I determined that the Hotel was permitted to have a maximum of 300 rooms pursuant to the original Zoning Commission and BZA approvals. It is proposed to increase the number of rooms to approximately 355 rooms. Since that number exceeds the maximum number of rooms under the approved PUD for the hotel, you must seek approval from the Zoning Commission for that increase. You advised that you intend to file a modification request with the Commission to achieve that increase.

You have asked whether the changes to the hotel as described below may be permitted without further review by the Zoning Commission. The renovation of the hotel will involve changes to uses on the interior of the building, as follows:

- The first floor, which is at grade as approached from the south side of the hotel, was formerly used as the main lobby and reception area, administrative space and some rooms; the lobby and reception area would remain, but the remainder of the space would be devoted to food and beverage and meeting space; and
- The B-1 level, which is at grade on the north side of the hotel, would remain devoted to food and beverage and meeting space, but the interior configuration would be changed.

In addition, the renovation will include certain minor changes to the exterior of the building as follows:

- On the B-1 level, a new revolving door will be installed at the entrance from the parking area and a new metal and glass canopy will be installed above the entrance;
- On the first floor, the main entrance will be modified to accommodate a larger revolving door within a new storefront system matching the existing condition, and a new glass and steel roof system will replace the existing non-original glazed roof over the port cochere;
- On the residential levels, privacy screens, like the existing screens, will be installed on the balconies to separate outdoor spaces for new rooms;
- A new canopy and new signs will be installed at the location of the former canopy at the Virginia Avenue entrance to the hotel; and
- Windows will be replaced with new windows that match the existing.

Lastly, there are multiple roof structures on the top of the hotel housing stairs, elevators and mechanical equipment. Additional equipment, new stairs, an elevator and toilet facilities will be provided within an enclosure that will be an expansion of one of the existing structures.

You have advised that the Zoning Commission and BZA files which should contain the approved plans for the hotel cannot be located and have not been able to be found by the Office

of Zoning for many years. I am therefore making this ruling based on the existing condition of the hotel and assuming that the existing condition is a result of permits duly issued by the proper permitting authorities of the District and that the construction now in place was done in conformance with all those permits.

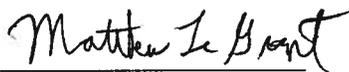
In the first place, I note that at the time the Watergate PUD was reviewed and approved, the Zoning Commission's review was very conceptual (the Commission's approval is contained in a one page letter) and the details of PUDs were considered and approved by the BZA. The present regulations no longer involve the BZA in that process, so the issue is whether Zoning Commission approval is required.

In considering the changes proposed, I have looked at them as they are grouped above. The interior changes to the first and B-1 floors may be undertaken without further review by the Zoning Commission. In general, in PUD approvals, the Commission has granted almost unlimited flexibility to change the interior of buildings. I see no reason to deviate from that consistent approach in this PUD.

The second set of changes, affecting the exterior of the building, is minor in the scheme of the PUD. These changes are replacements with modern equivalents of what is currently in place and they represent deviations from the present building that are so small that they will be barely noticeable from the exterior. The changes which the Zoning Administrator may approve pursuant to §2409.6, such as the ability to move a building up to 5 feet, can be far more noticeable and of greater impact than anything which you have proposed. As required by §2409.7, I have determined that the small scale of these changes insures that they are consistent with the intent of the original PUD.

The changes to the roof structure likewise are within any of the parameters set forth in §2409.6 and are consistent with the approved PUD. They do not result in changes to any use and do not increase the height of the building, the FAR, the number of units or the number of parking spaces or loading berths. The changes make the roof more usable by guests of the hotel and provide a modern update for mechanical equipment and egress functions. The expanded roof structure must meet all of the setback requirements of the Regulations and cannot exceed 18 feet, 6 inches in height above the roof. I note that all exterior alterations and any rooftop additions are subject to review by the Commission of Fine Arts and by the Historic Preservation Review Board. This will ensure that the design integrity of the building will be maintained.

You must obtain proper building permits for any alterations to the building which may be necessary. Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator