

DC Zoning Review Downtown Development District (DD)

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-10

EXHIBIT NO. 13

DOWNTOWN ACTION AGENDA



DC Office of Planning

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Downtown Subject Area Process

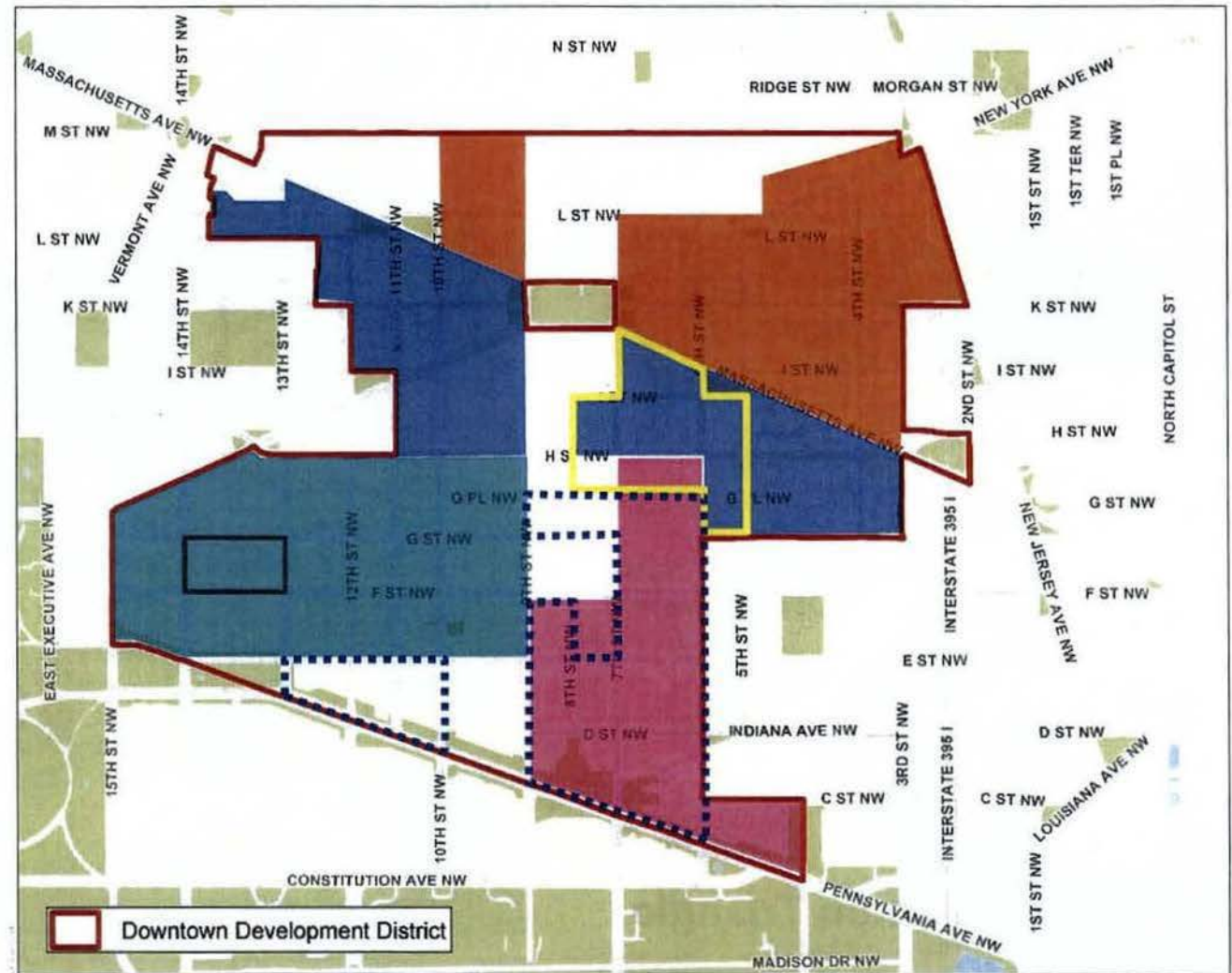
- Working Group:
 - October 2008 – April 2009
- Taskforce:
 - June 2009
- Stakeholder meetings:
 - May – October 2009





Downtown Development District

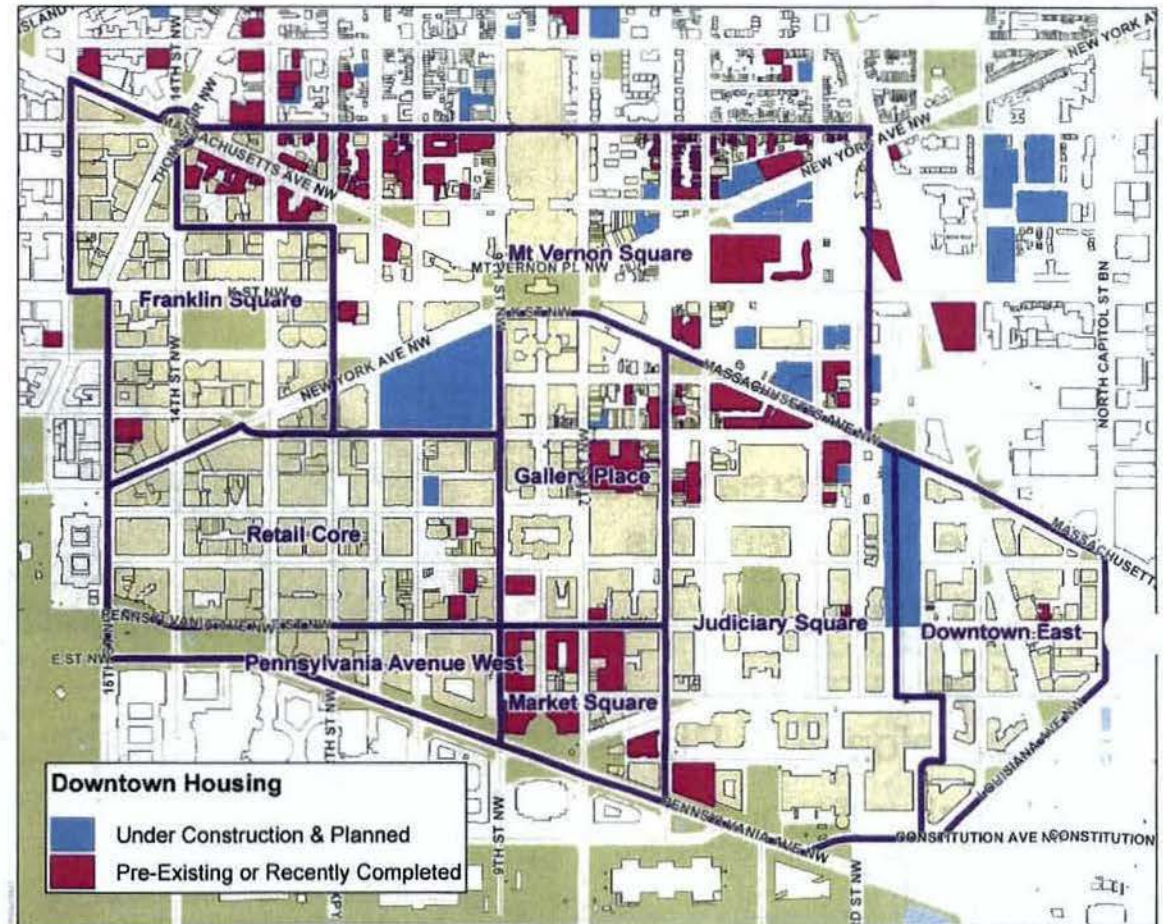
- Sub-Areas
 - Housing Priority Areas
 - Shop
 - Arts
 - Chinatown
- Tools
 - Density Increases & Use Requirements
 - Combined Lot
 - Transferable Development Rights
 - Design Standards





DDD: Housing

- **1982 projection:**
12,410 units
 - **74% built**
 - **19% planned**
- **Current planning guidance also includes:**
 - **2006 Comprehensive Plan**
 - **Downtown Action Agenda**
 - **Mt. Vernon Square Plan**
 - **Mt. Vernon Triangle Plan**

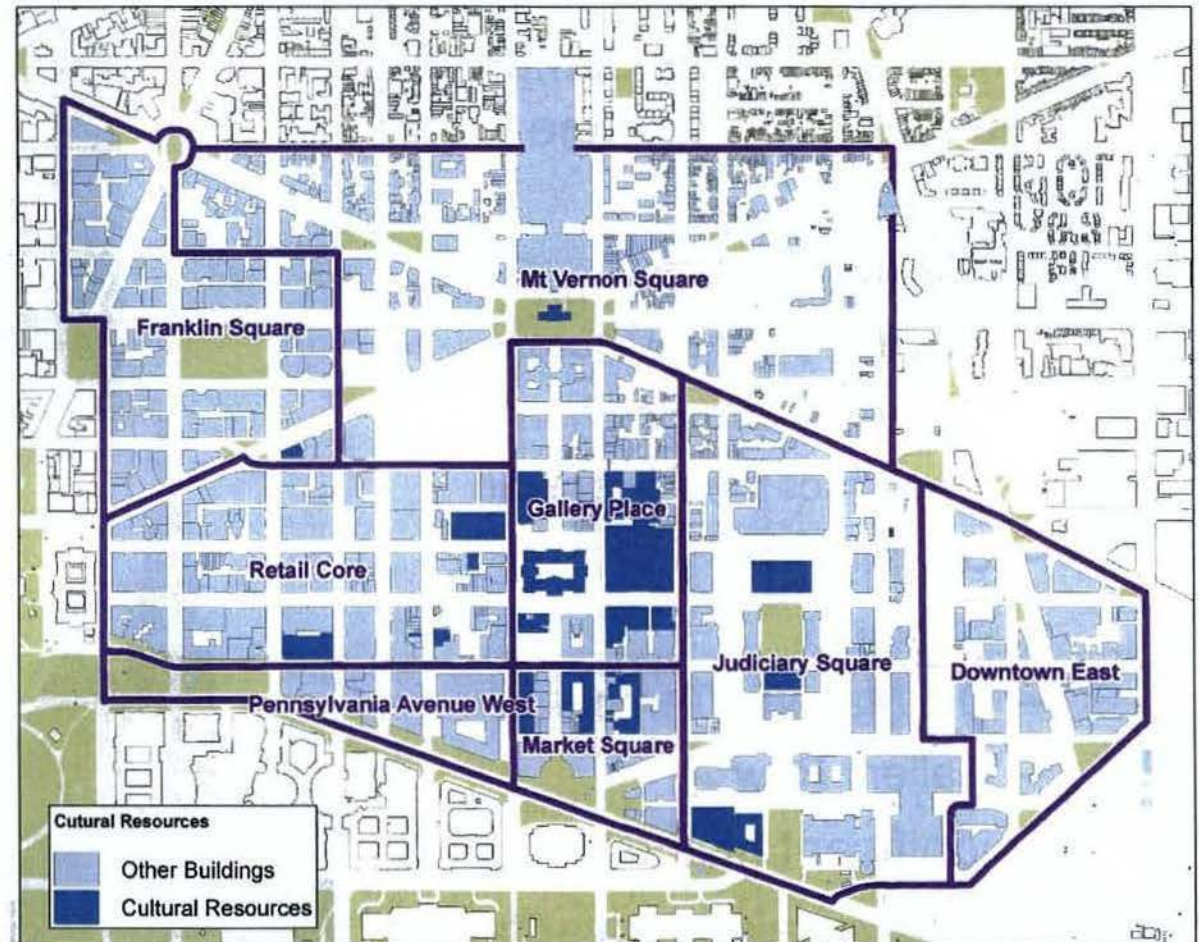




DDD: Arts

**1982 projection:
900,000 sf**

- 1,218,000 square feet of total arts development**





DDD: Historic Preservation

Transferable Development Rights have helped restore the following buildings:

- Warner Theatre
- Cavalry Baptist Church
- Church of the Epiphany
- Church of the Ascension
- St Patrick's
- St Mary's
- Old Masonic Temple
- Gallery Row

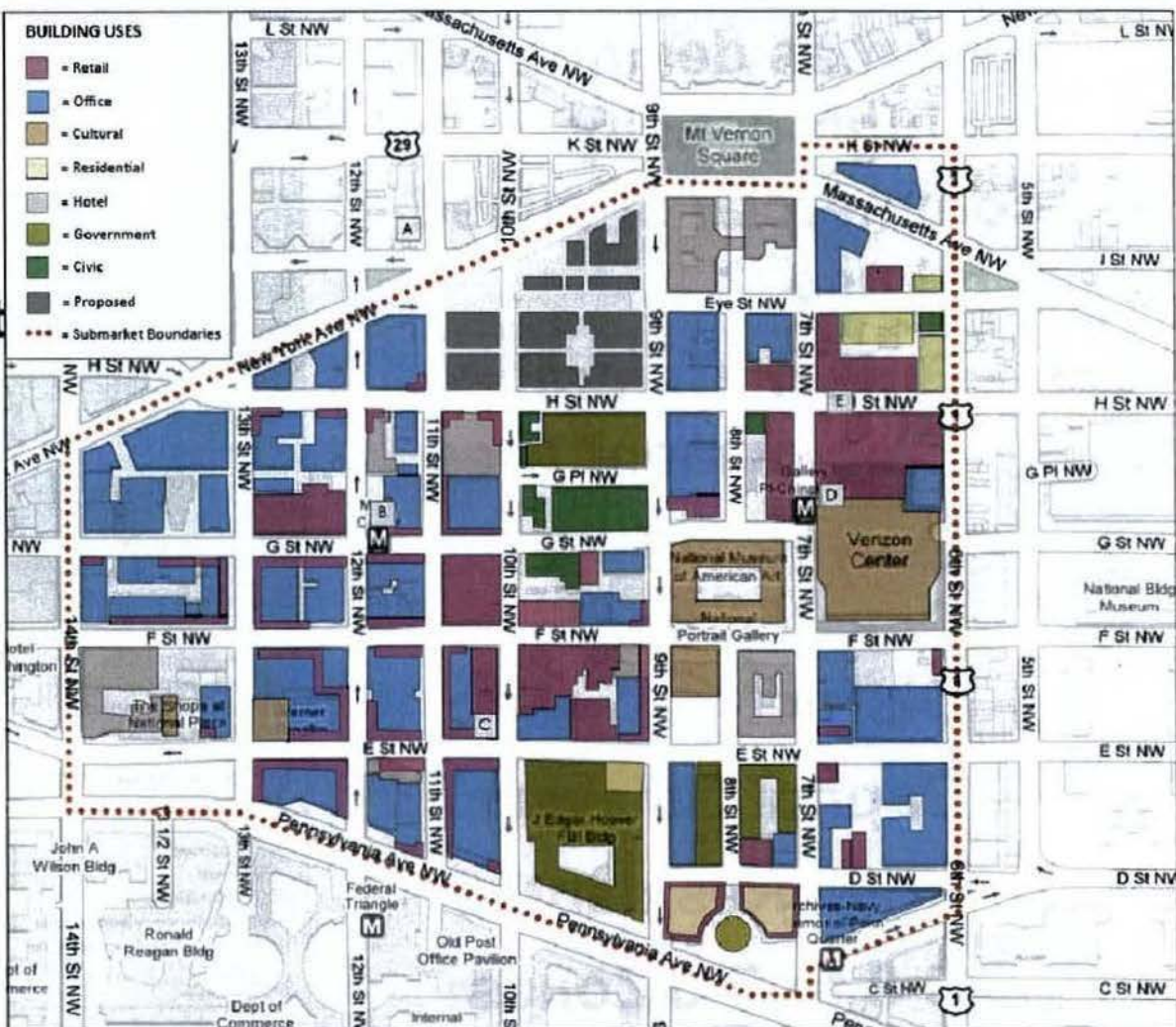
All significant historic buildings in DD have taken advantage of TDRs.





DDD Goals: Retail

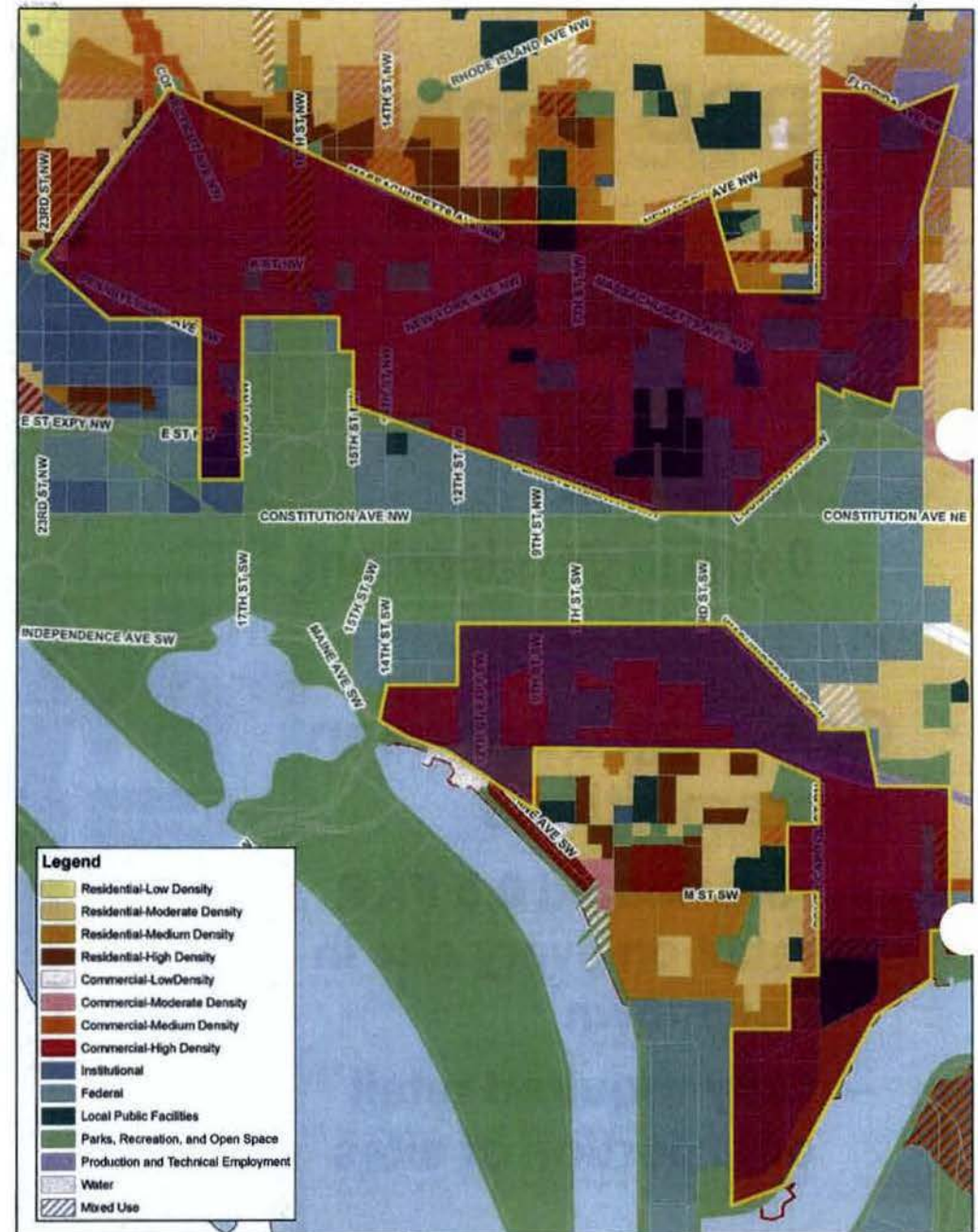
- **1982 projection:**
5.6 M sf
 - 1.6 M Built
 - 0.4 M in development
- **Goal may have been overambitious**
 - Anticipated 0.5 FAR retail on every site in downtown
 - Only required retail on a portion of sites





Comp Plan Future Land Use

- All Areas designated for high-density commercial or mixed land use
 - Bulk of Central Employment Area
 - Downtown Development District
 - Capitol Gateway
 - Hotel Residential
 - C-3 to C-5 Zones





Area Planning Guidance

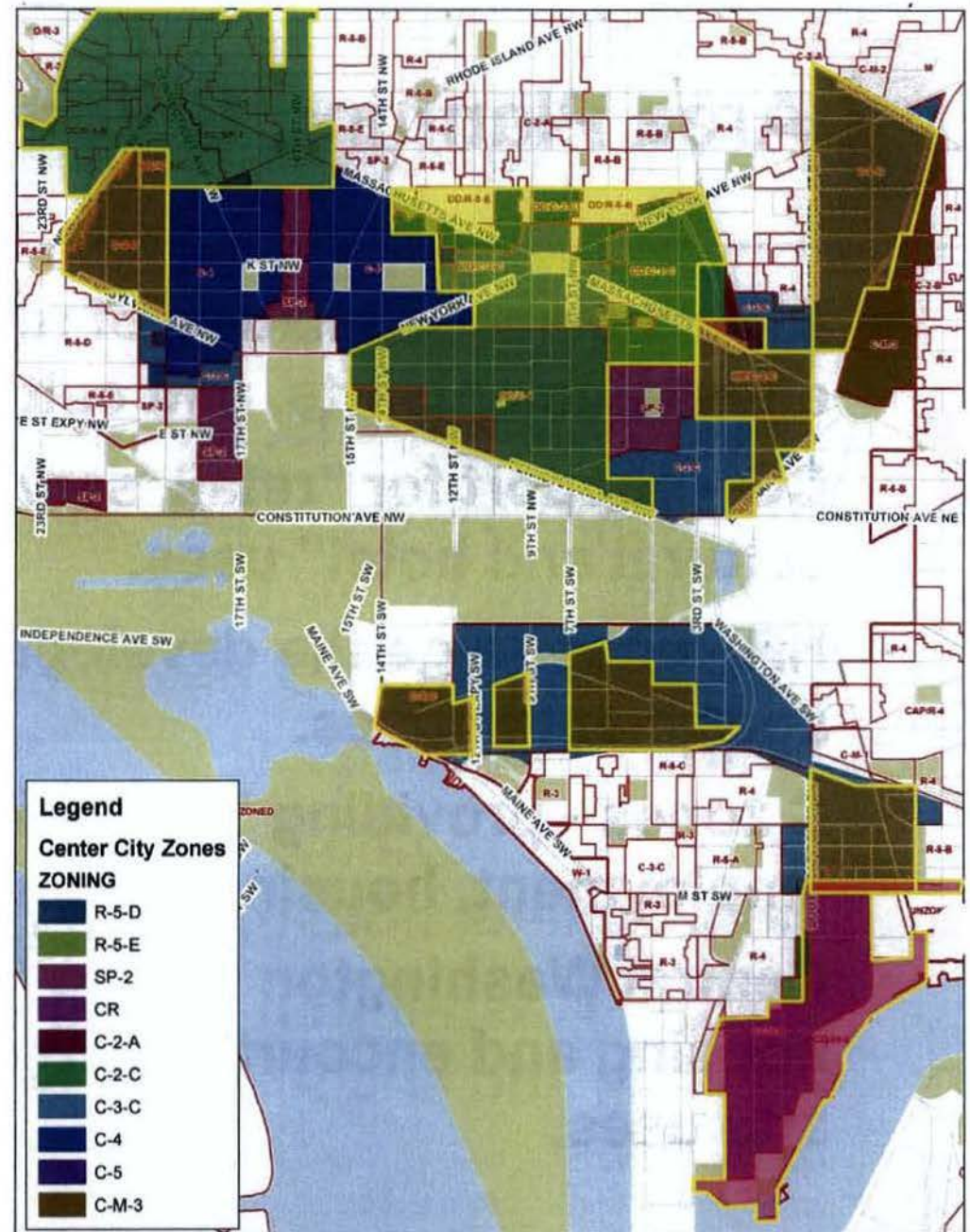
- **DD** - “balanced mixture of retail, hotel, residential, entertainment, arts, and cultural uses.”
- **CG** - support for “retail, service, entertainment, cultural and hotel” uses.
- **HR** - encourage the development of hotels and apartment houses.
- **C zones** - providing “substantial amounts of employment, housing, and mixed uses.”
- **Central Washington (Comp Plan)** - support of housing and encouraging retail, entertainment, and arts uses.





Complex Set of Zones

- Ten Base Zones
- Six Overlays
 - Dupont Circle
 - Downtown Development
 - Housing Priority Areas
 - Hotel/Residential
 - Capitol Gateway
 - Five TDR Receiving Areas
- Twenty-Seven Zone-Equivalents





Complex Central Area Zones

	Comm FAR	Max FAR	Max Method	Base Height	Max Height
R-5-E	0	6	N/A	90	90
DD/R-5-E	0	6	N/A	90	90
CG/R-5-E	0	6	PUD	90	90
C-2-A	1.5	3	PUD	50	65
C-2-C	2	6	N/A	90	90
SP-2	3.5	6.5	PUD	90	90
CG/CR	3	7	Housing	90	110
CG/C-2-C	2	6	N/A	90	90
C-M-3	6	6	N/A	90	90
DD/C-2-C (non-HPA)	2	6	N/A	90	90
DD/C-2-C (HPA)	3.5	N/A	Housing	90	130
R-5-D	0	4.5	PUD	90	90
C-3-C	6.5	8	PUD	90	130
HR/C-3-C	6.5	8.5	PUD	90	130
CG/C-3-C	6.5	8	PUD	90	130
CG/C-3-C/TDR	6.5	10	TDR	90	130
C-3-C/TDR	6.5	10	TDR	90	130
HR/C-3-C/TDR	6.5	9	TDR	90	130
DD/C-3-C (non-HPA)	6.5	8	PUD	90	130
DC/C-4	8.5	8.5	N/A	110	130
C-4	8.5	11	PUD	110	130
DD/C-4 (non-HPA)	8.5	11	PUD	110	130
DD/C-3-C (HPA)	6	N/A	Housing	90	130
DD/C-4 (HPA)	8	N/A	Housing	110	130
DC/C-3-C/TDR	6.5	10	TDR	90	130
DD/C-5	10	12	PUD	130	160





Complex Central Area Zones

- Complexity not just across downtown, but on individual lots.
- Many lots have conflicting regulations in 3 separate chapters
 - CG/C-3-C/TDR receiving zone
 - HR/C-3-C/TDR receiving zone
 - DC/C-3-C/TDR receiving zone
- DD receiving zones not shown on map

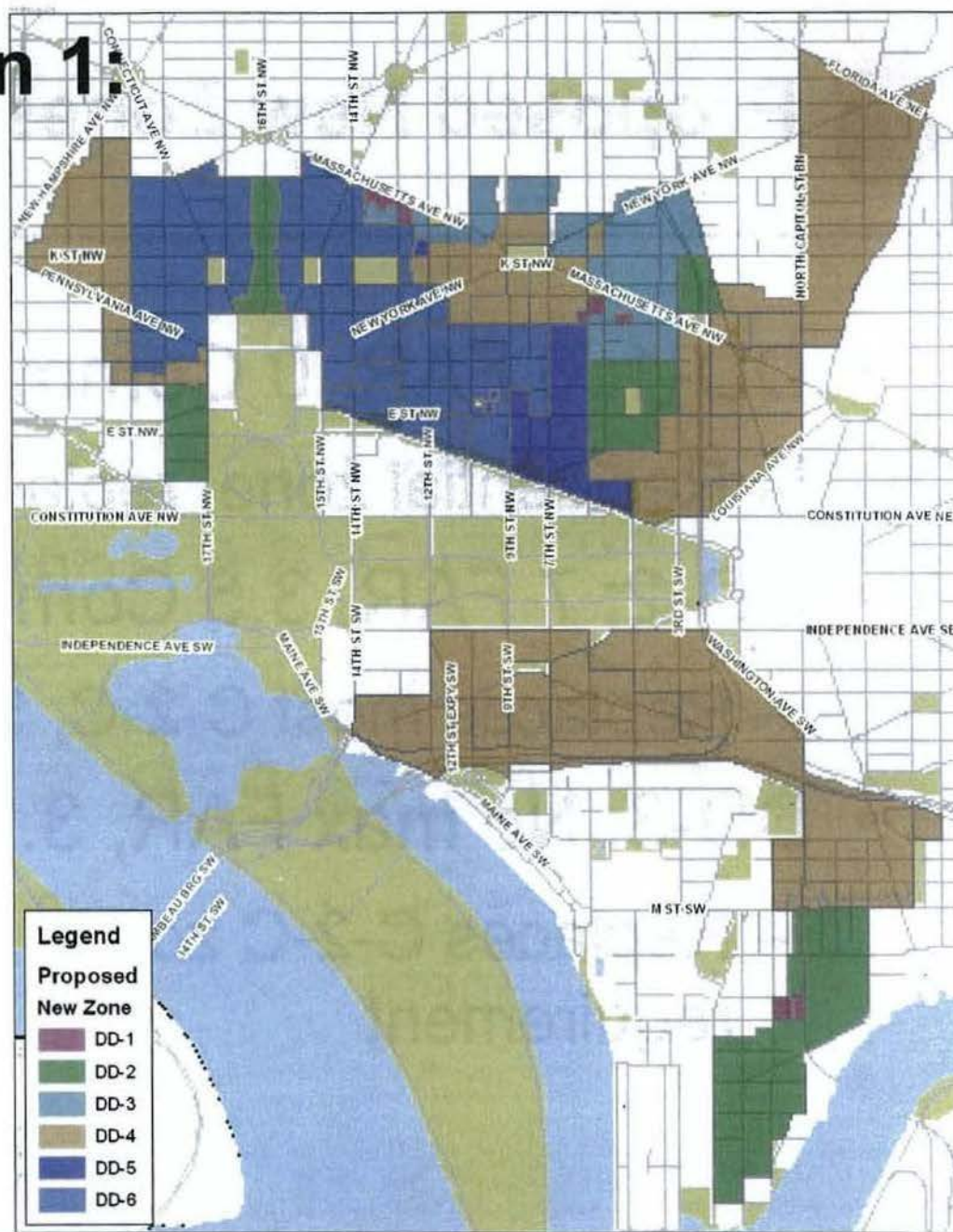




Recommendation 1: Combine Zones

Merge 27 zones into 6
zones for bulk & height

- Goals of all areas are nearly identical
- Can be done with no loss of FAR or height on any parcel
- Solves three identified problems
 - Simplifies regulations
 - Maintains existing development rights
 - Applies DD successes more broadly





Proposed New Zones

- DD-1: 6 FAR, 0 Commercial, 90'
 - Residential zone, replaces R-5-E zones
- DD-2: 7 FAR, 3.5 Commercial, 110'
 - Replaces most C-2-C, SP-2 & CR zones
- DD-3: No max FAR, 3.5 Commercial, 130'
 - Replaces C-2-C zones in HPA, 3.5 housing requirement





Proposed New Zones

- DD-4: No max FAR, 6.5 Commercial, 130'
 - Replaces all variations of C-3-C zones, some properties have housing requirement
- DD-5: No max FAR, 8.0 Commercial, 130'
 - Replaces C-4 zones in HPA, 2.0 housing requirement
- DD-6: No max FAR, 10 Commercial, 130'+
 - Replaces C-4 and C-5 zones





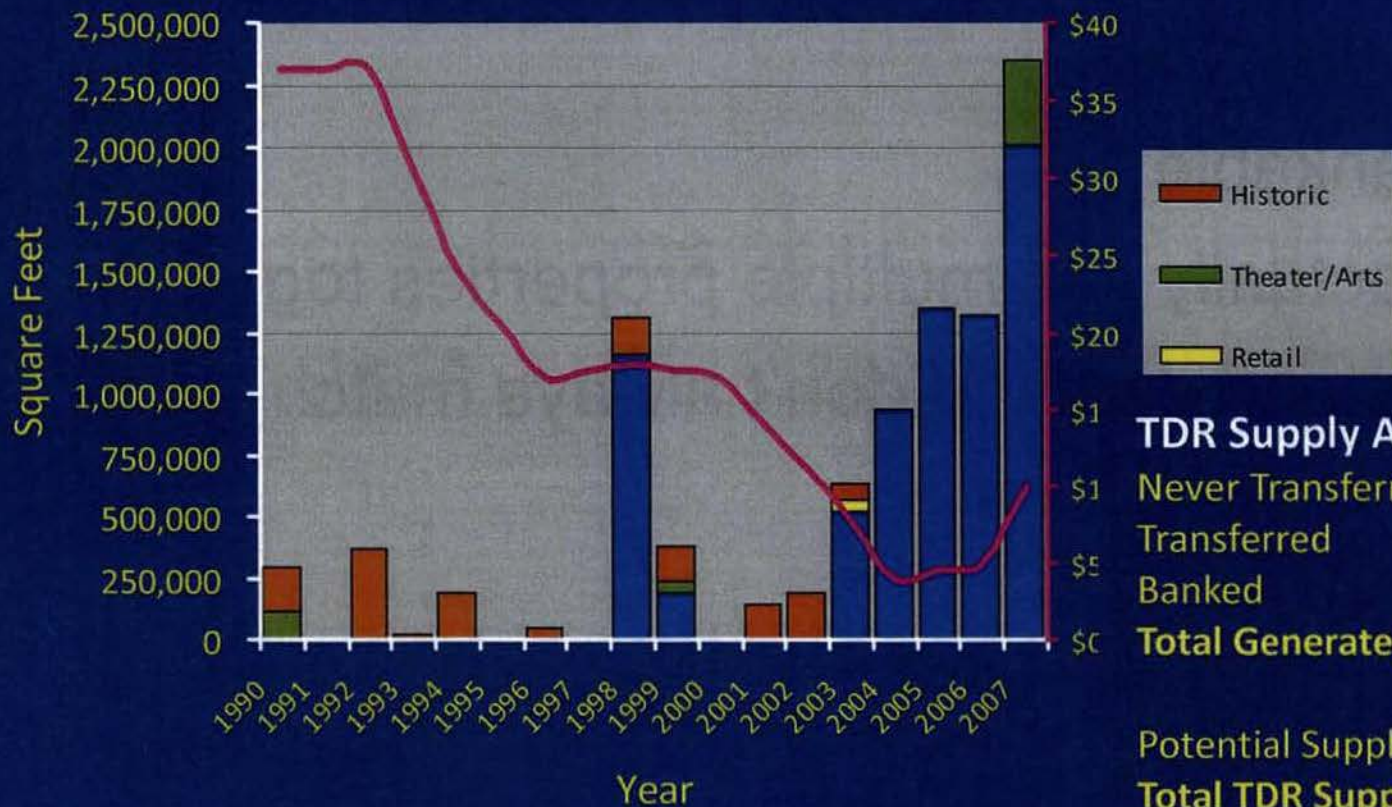
TDR Issues

- Existing TDR program has limited remaining viability
 - Only 3M sf of short term TDR potential remains to fill 21M sf of demand
 - HP TDRs have been completely used
 - Arts and Retail TDRs have not played a major role
 - Current TDR system only benefits preferred uses in the DD



TDR Issues

TDR Generation by Use: 1990 - 2007



TDR Supply Analysis

Never Transferred	366,000
Transferred	7,985,000
Banked	<u>1,172,000</u>
Total Generated	9,523,000

Potential Supply	<u>3,247,000</u>
Total TDR Supply	12,770,000





CLD Issues

- CLD program needs more flexibility
 - Overly complex
 - Not bankable
 - Contractually ties multiple properties together
 - Supply and demand don't always match

EXHIBIT E TO
COMBINED LOT DEVELOPMENT COVENANT NO. 3 AMONG 400 MASSACHUSETTS, A MASTER CONDOMINIUM UNIT OWNERS' ASSOCIATION, INC., MOUNT VERNON PLACE UNITED METHODIST CHURCH, WASHINGTON, DC, THE HOTEL & RESTAURANT EMPLOYEES, LOCAL 25, 901 K STREET OWNER, L.L.C., JEMAL'S GOLUB I.L.L.C., AND THE DISTRICT OF COLUMBIA

Property	Square/Lot	Lot Area	Zone	Minimum Required Residential FAR	Minimum Required Residential GFA	Actual Residential GFA (as limited for CLD per §1706.7, where applicable)	Maximum Permitted Non-Residential FAR	Maximum Permitted Non-Residential GFA	Additional FAR with TDRs	Additional GFA with TDRs	Maximum Permitted Non-Residential GFA with TDRs	Actual Non-Residential GFA
450 Mass (fn. 1, 2, 15)	517/50	44,647	DD/C-2-C	4.5	200,912	455,831	5.75 (per FAR variance granted)	254,919	-	-	254,919	1,700
901 11 th (fn. 1, 17)	343/831 (former Lot 825)	17,326	DD/C-3-C	3.5	60,641	0	6.0	103,956	0.5	8,663	112,619	183,610
1101 NY/1150 K (fn. 2, 4, 5)	317/27	47,308	DD/C-3-C	3.5	165,578	142,189	6.0	283,848	0.5	23,654	307,502	370,075
300 Mass (fn. 3, 4)	529/35	40,431	DD/C-2-C	4.5	181,939.5	354,297 (323,448)	3.5	141,508.5	-	-	141,508.5	4,372
777 6 th (fn. 3, 8)	486/10-13, 36, 804-808	19,125	DD/C-2-C	4.5	86,063	0	3.5	66,937.5	0.5	9,563	76,500	177,015
Avalon at Gallery Place (fn. 8)	486/ 831	23,842.5	DD/C-2-C	4.5	107,291	215,172 (213,740)* *includes 23,000sf per Allocation of Development Rights Agreement	3.5	83,449	-	-	83,449	9,398
JBG 715 6 th (fn. 7)	486/41	6,375	DD/C-2-C	4.5	28,687.5	70,809 (51,000)	3.5	22,312.5	-	-	22,312.5	0
JBG 1101 K - portion (fn. 5, 6, 7)	316/ Portion of Lot 35	8,301	DD/C-2-C	4.5	37,354.5	0	3.5	29,053.5	0.5	4,120.5	33,204	77,299
JBG 1101 K - Portion (fn. 5, 6, 7)	316/ Portion of Lot 35	20,621	DD/C-3-C	3.5	72,173.5	0	6.0	123,726	0.5	10,310.5	134,036.5	196,166
JBG 12 th & Mass (fn. 6)	283/50	14,477	DD/C-2-C	4.5	65,146.5	148,702 (115,816)	3.5	50,669.5	-	-	50,669.5	750
Mather Lofts (fn. 9, 10)	376/75 (former Lot 802)		DD/C-4	0	0.0	70,678	6.0	70,678	-	-	70,678	6,421
K11 Partners (fn. 9, 11)	343/11, 13-16, 21, 808, 823, 829	13,574	DD/C-3-C	3.5	47,509	0	6.0	81,444	0.5	6,787	88,231	146,538
DRI 611 Mass (fn. 10, 13, 14)	484W/801	1,229	DD/C-3-C	3.5	4,302	0	6.0	7,374	0.5	614.5	7,988.5	20,733 (incl 8,443 sf allocated to NAEYC (fn. 14))
National Public Radio, Inc. (fn. 12, 13)	484W/ 23,24,814,815, 819,821,822,823	17,799	DD/C-3-C	3.5	62,297	0	6.0	106,794	0.5	8,897	115,691	177,988
Quincy Court (fn. 12)	369 / 69	19,807	DD/C-2-C	4.5	89,134	157,256	3.5	69,324.5	-	-	69,324.5	8,735
901 K St (fn. 15, 18)	371/820 (portion), 822	8,953	DD/C-2-C	4.5	40,289	0	3.5	31,335.5	0.5	-	31,335.5	232,373
901 K St (fn. 15, 18)	371/820 (portion), 814, 815, 816, 817, 818, 823	16,934	DD/C-3-C	3.5	59,629	0	6.0	101,604	0.5	-	101,604	(included above)
450 H (fn. 16)	518/103	3,834	DD/C-2-C	4.5	17,253	0	3.5	13,419	0.5	-		31,685

400 Mass (fn 16, 17, 18)	517/51	27,150	DD/C-2-C	4.5	126,745* (* includes additional 4,570 sf per Zoning Commission Order No. 940)	311,934 (212,630*)	3.5	95,025	-	-	-	22,700
Total					1,452,944.5 sf Residential GFA Required	1,926,868sf (1,742,588sf) Residential GFA Provided		1,737,377.5 sf Maximum Permitted Non-Residential GFA		72,699.5 sf TDRs	1,809,987 sf Maximum Non-Residential with TDRs	1,667,558 sf Actual Non- Residential GFA

- (1) Combined Lot Development Covenant (No. 1) among Meridian on Mass. Avenue, L.L.C., TST New York Avenue, L.L.C. and the District of Columbia dated October 7, 2005, and recorded October 7, 2005, as Instrument No. 2005144853
- (2) Combined Lot Development Covenant (No. 2) among Meridian on Mass. Avenue, LLC, 1101 New York Holdings LLC and the District of Columbia dated October 7, 2005, and recorded October 7, 2005, as Instrument No. 2005144856
- (3) Combined Lot Development Covenant (No. 1) among Massachusetts Court Apartments, L.L.C., Massachusetts Court Apartments Condominium, 777 6th Street LLC and the District of Columbia dated August 26, 2004 and recorded May 17, 2005 as Instrument No. 2005067564
- (4) Combined Lot Development Covenant among Massachusetts Court Apartments, L.L.C, Massachusetts Court Apartments Condominium, 1101 New York Holdings LLC and the District of Columbia dated September 14, 2004 and recorded May 25, 2005 as Instrument No. 2005072101
- (5) Combined Lot Development Covenant among 1108 K Street Limited Liability Company, JIR Residential LLC, JBG/Rockwood 1101 K, L.L.C. and the District of Columbia dated March 8, 2004 and recorded October 12, 2004 as Instrument No. 2004142309
- (6) Combined Lot Development Covenant among BQR-JBG 12th & Massachusetts, L.L.C., JBG/Rockwood 1101 K, L.L.C. and the District of Columbia dated March 31, 2004 and recorded October 12, 2004 as Instrument No. 2004142310
- (7) Combined Lot Development Covenant among JBG/6th Street Residential, L.L.C., JBG/Rockwood 1101 K, L.L.C. and the District of Columbia dated March 31, 2004 and recorded October 12, 2004 as Instrument No. 2004142311
- (8) Combined Lot Development Covenant (No. 1) among AvalonBay Communities, Inc., 777 6th Street LLC and the District of Columbia dated January 23, 2004 and recorded July 23, 2004 as Instrument No. 2004102674
- (9) Combined Lot Development Covenant among K11 Limited Partnership, Mather Building Lofts, L.L.C., and the district of Columbia dated September 18, 2003 and recorded May 13, 2004 as Instrument No. 2004467292
- (10) Combined Lot Development Covenant among Geoffrey W. Washburn, Karen M. Washburn, Mather Building Lofts, L.L.C., DRI 611 Mass. Ave. LLC (through Joinder) and the District of Columbia dated November 14, 2003 and recorded June 1, 2004 as Instrument No. 2004075578
- (11) Combined Lot Development Covenant among AvalonBay Communities, Inc., K11 Limited Partnership, and the District of Columbia dated February 28, 2005 and recorded May 19, 2006 as Instrument No. 2006067119.
- (12) Combined Lot Development Covenant among Quincy Court LLC, National Public Radio, Inc., and the District of Columbia dated December 5, 2005 and recorded March 30, 2006 as Instrument No. 2006041649.
- (13) Combined Lot Development Covenant among DRI 611 Mass. Ave. LLC, National Public Radio, Inc, and the District of Columbia dated April 13, 2006 and recorded April 13, 2006 as Instrument No. 2006049016.
- (14) Combined Lot Development Covenant among DRI 611 Mass. Ave. LLC., National Association for the Education of Young Children, and the District of Columbia dated January 6, 2006 and recorded April 27, 2006 as Instrument No. 2006055260.
- (15) Combined Lot Development Covenant (No.3) among Meridian on Mass. Avenue, LLC, Mount Vernon Place United Methodist Church, Washington, DC, The Hotel & Restaurant Employees, Local 25, 901 K Street Owner, L.L.C., and the District of Columbia dated and recorded April 30, 2007, as Instrument No. 2007057936.
- (16) Combined Lot Development Covenant (No. 1) among 400 Massachusetts, A Master Condominium Unit Owners' Association, Inc., BREOF 450 H REO LLC, Jema's Golub I L.L.C. , and the District of Columbia dated February 21, 2007 and recorded March 2, 2007 as Instrument No. 2007029519.
- (17) Combined Lot Development Covenant (No. 2) among 400 Massachusetts, A Master Condominium Unit Owners' Association, Inc., TST New York Avenue, L.L.C., Jema's Golub I L.L.C. and the District of Columbia dated February 21, 2007 and recorded March 14, 2007 as Instrument No. 2007035927.
- (18) Combined Lot Development Covenant (No. 3) among 400 Massachusetts, A Master Condominium Unit Owners' Association, Inc., Mount Vernon Place United Methodist Church, Washington, DC, The Hotel & Restaurant Employees, Local 25, 901 K Street Owner, L.L.C., Jema's Golub I L.L.C. and the District of Columbia , to which this table is attached.



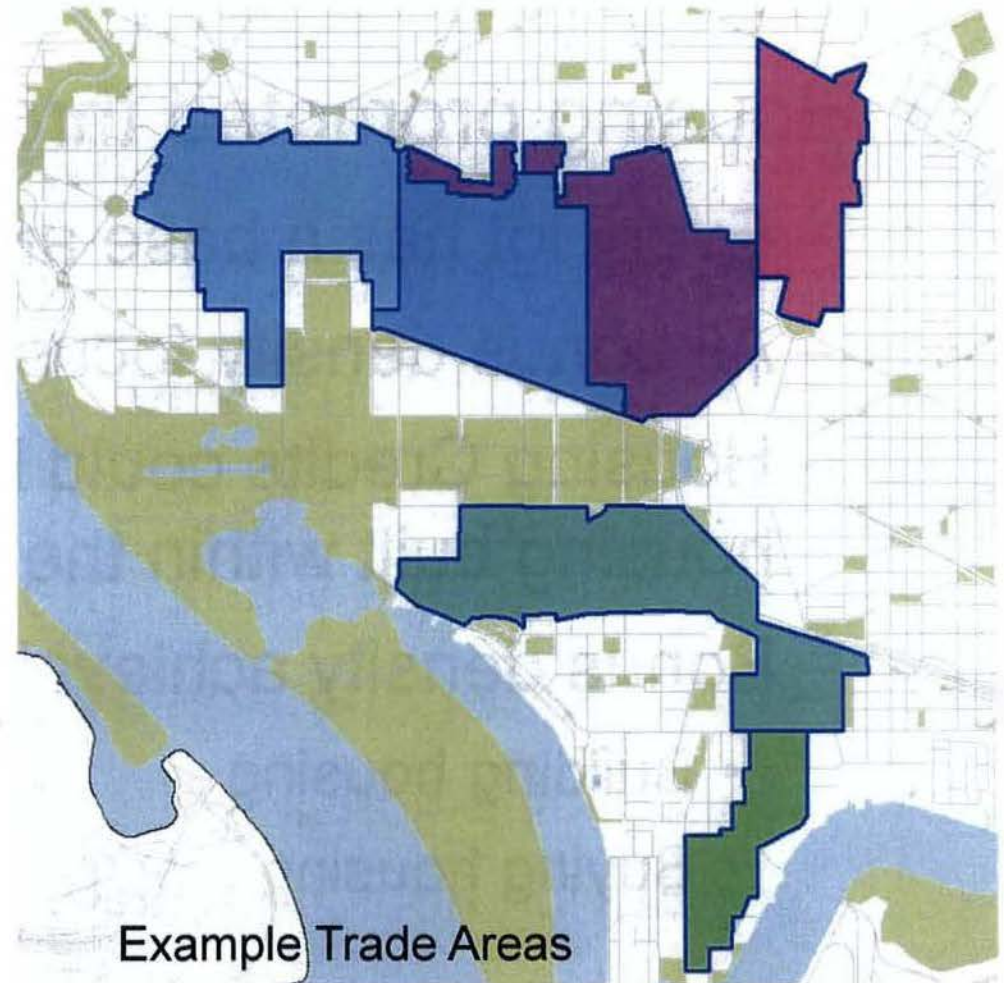
Recommendation 2: Housing

- Housing promoted throughout area:
 - Every lot has a base and max FAR
 - All bonus density focused on housing
 - Housing Credits could be generated by any housing built within the base FAR limit
 - Bonus density achievable by either:
 - Building housing
 - Buying housing credits (HC)



Combine and Simplify TDR & CLD

- Housing Credits generated and transferred within Trade Areas
- Value would vary by Trade Area
- Pre-Existing TDRs and CLDs would be transferrable to any trade area





Housing

Methods to achieve bonus density:

Zone	Existing Method	Proposed Method
DD/HPA	Build Housing only	Build Housing or Purchase HC
DD/non-HPA	PUD or Purchase TDR	Build Housing or Purchase HC
TDR Receiving	Purchase TDR only	Build Housing or Purchase HC
CG	Housing or PUD	Build Housing or Purchase HC
Other	PUD only	Build Housing or Purchase HC





Combine and Simplify TDR & CLD

- HC transferable as a commodity
 - HC transferred within trade areas
- Existing TDR & CLD credits would serve as HC until exhausted
 - Can transfer to ANY trade area
 - May have additional rights
- More options, no loss of existing rights



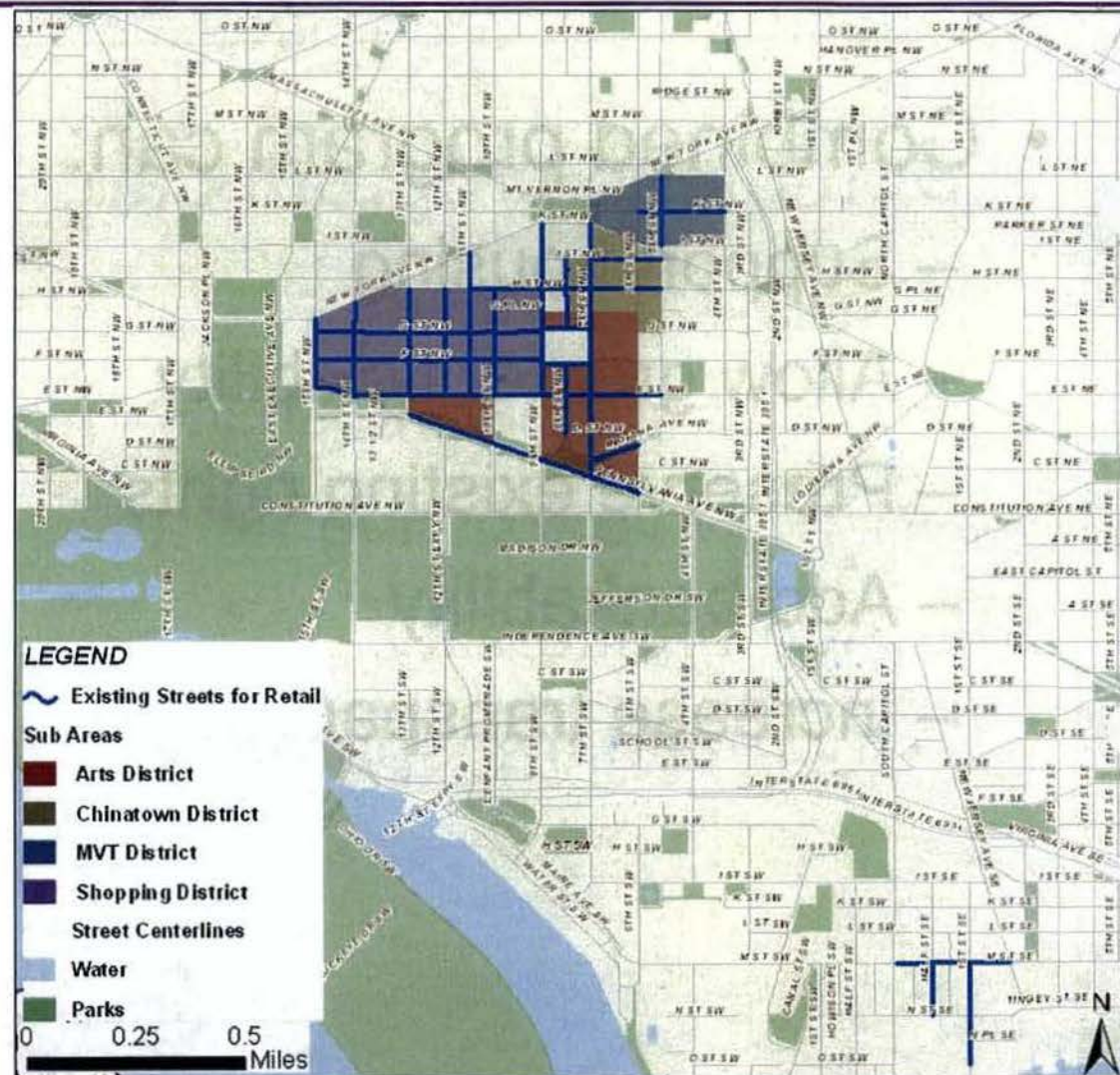
Combine and Simplify TDR & CLD

- Combined program can:
 - Support housing
 - Allow greater flexibility
 - Preserve existing rights
 - Add bankability
 - Increase transparency



Recommendation 3: Retail

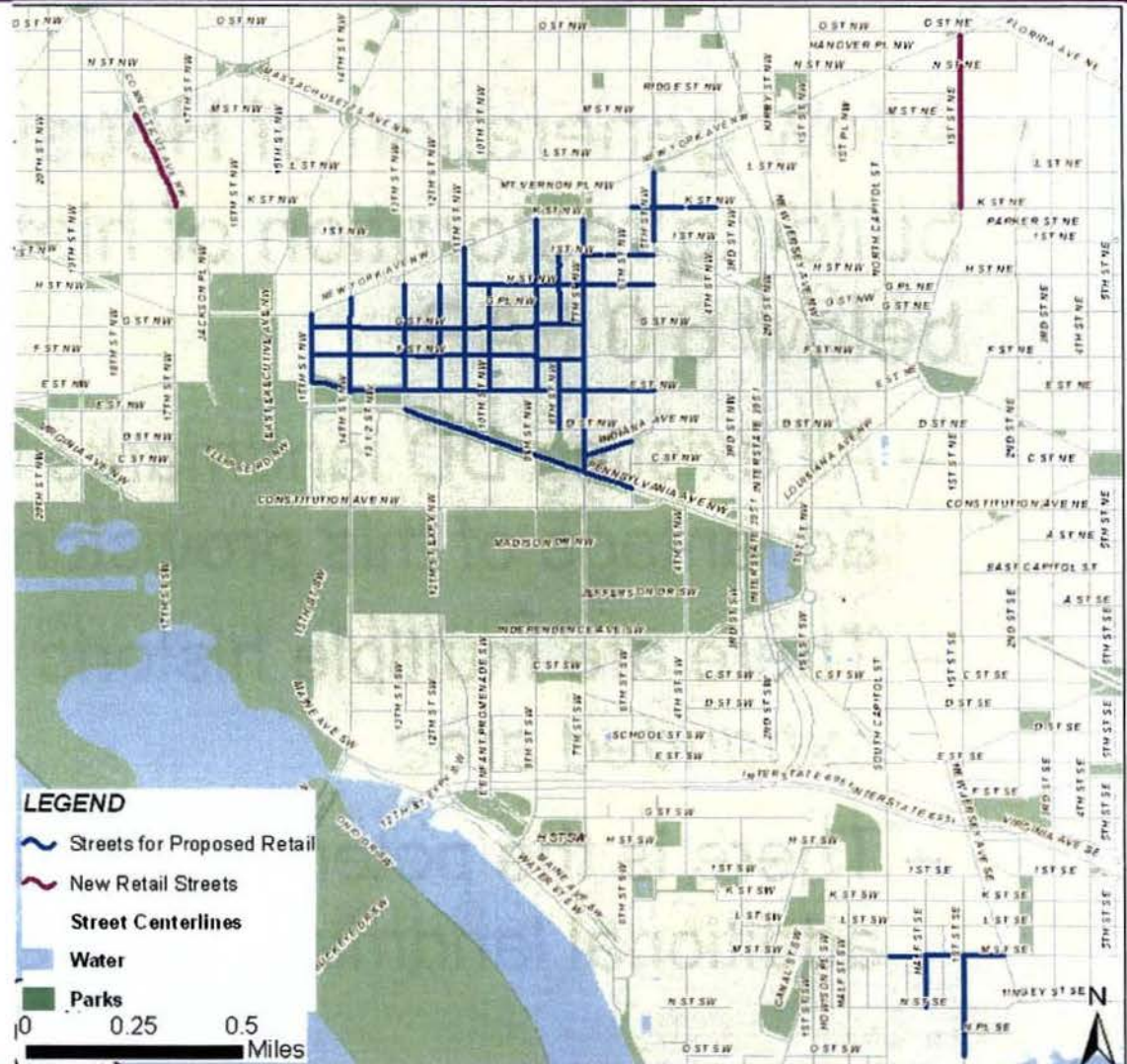
- Retail requirements in DD are redundant:
 - Retail is required once by street
 - Retail is required again by sub-area





Recommendation 3: Retail

- Identify retail requirements only by street
- Maintain all existing retail requirements and two based on planning guidance:
 - Connecticut Ave NW
 - First Street NE





Recommendation 4: Historic Preservation

- Allow generation of Housing Credits for full building restoration of historic landmarks below 6.0 FAR
 - All existing DD landmarks have already taken advantage of this provision
 - There are multiple historic buildings in the expanded area
 - There is the potential for the creation of additional landmarks in the future





Recommendation 5: Arts

- Retain existing Arts requirements
 - Approved arts recommendations would apply:
 - a general 0.5 FAR Arts requirement that is transferrable between properties,
 - a CLD-type system to transfer arts requirements,
 - removal of requirements for “arts-related uses,”
 - a revised list of arts uses,
 - limitation of the amount lobby exhibition space can count toward requirements, and
 - standardization of design and ceiling height standards.





Parking

- No parking minimums
- Promoting improved transit use
- Ensuring unbundling of residential units from parking spaces





Recommendation 6: Residential Parking

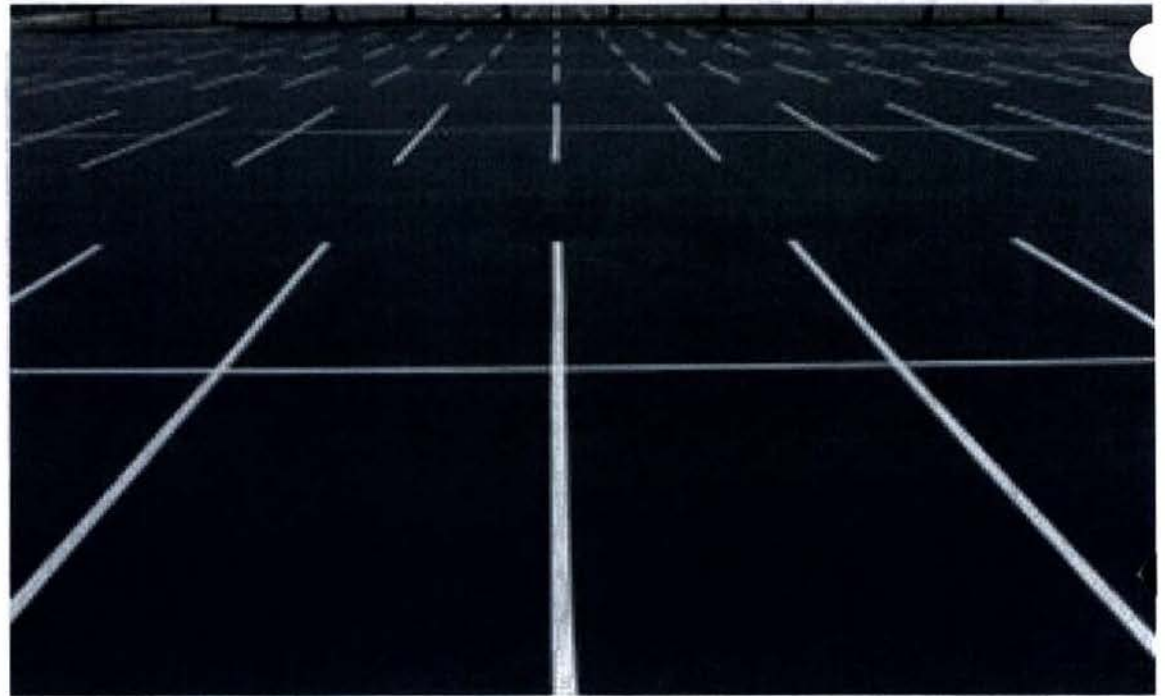
- Residential Parking
 - Goal of less than 1 space per unit to ensure unbundling
 - Recommend 0.9 maximum space per unit





Recommendation 7: Surface Parking

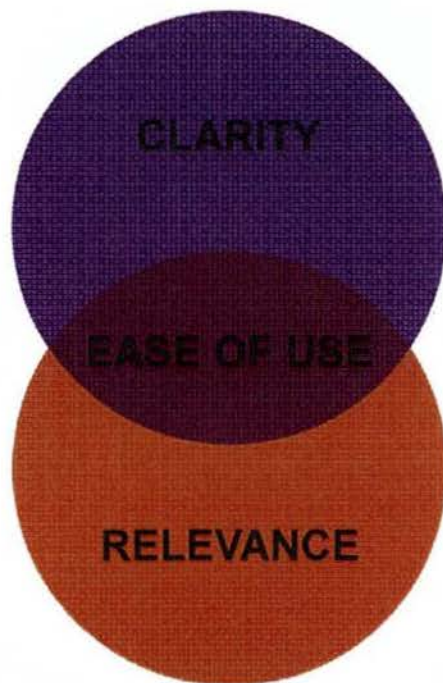
- Surface Parking
 - Discouraged by Comprehensive Plan and land use goals
 - Recommend requiring special exception with time limits for new lots





Zoning Review 2008

- Website: www.dczoningupdate.org



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