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The Honorable Vincent C. Gray

Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 08-13

FEB 10 2009

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

The National Capital Planning Commission, at its meeting on February 5, 2009, approved the enclosed action on the Consolidated Planned Unit Development and related map amendment for Square 370 for the construction of the Marriott Marquis Hotel. Also, enclosed for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosures

cc: Harriet Tregoning, Director, D.C. Office of Planning

Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO.

CE-B

EXHIBIT NO.

61

ZONING COMMISSION
District of Columbia
CASE NO.08-13
EXHIBIT NO.61

COMMISSION ACTION

NCPC File No. Z.C. 08-13



CONSOLIDATED PLANNED UNIT DEVELOPMENT AND MAP AMENDMENT MARRIOTT MARQUIS HOTEL

Corner of 9th Street, NW and Massachusetts Avenue, NW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

February 5, 2009

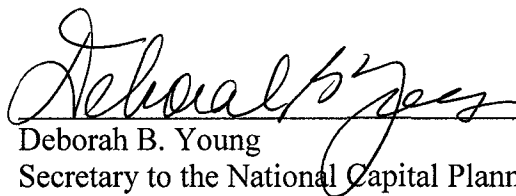
Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Commission Action

The Commission:

Comments favorably on the Consolidated Planned Unit Development and related map amendment for Square 370 between 9th and 10th Streets, NW with respect to the building height, massing and overall design and **advises** the Zoning Commission of the District of Columbia that the project would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.



Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATIO

NCPC File No. Z.C. 08-13



CONSOLIDATED PLANNED UNIT DEVELOPMENT AND MAP AMENDMENT MARRIOTT MARQUIS HOTEL

Corner of 9th Street, NW and Massachusetts Avenue, NW
Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

January 29, 2009

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a Consolidated Planned Unit Development to construct a hotel 130 feet in height, with 1,160 guest rooms, ballrooms, meeting rooms and four eating establishments; a related map amendment for the split-zoned site to allow it to be completely in the DD/C-3-C zone and to allow public space development under and above Massachusetts Avenue and L Street, NW in accordance with the District of Columbia Public Space Rental Act of 1968.

Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

Executive Director's Recommendation

The Commission:

Comments favorably on the Consolidated Planned Unit Development and related map amendment for Square 370 between 9th and 10th Streets, NW with respect to the building height, massing and overall design and **advises** the Zoning Commission of the District of Columbia that the project would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests provided that the public space portion is modified to:

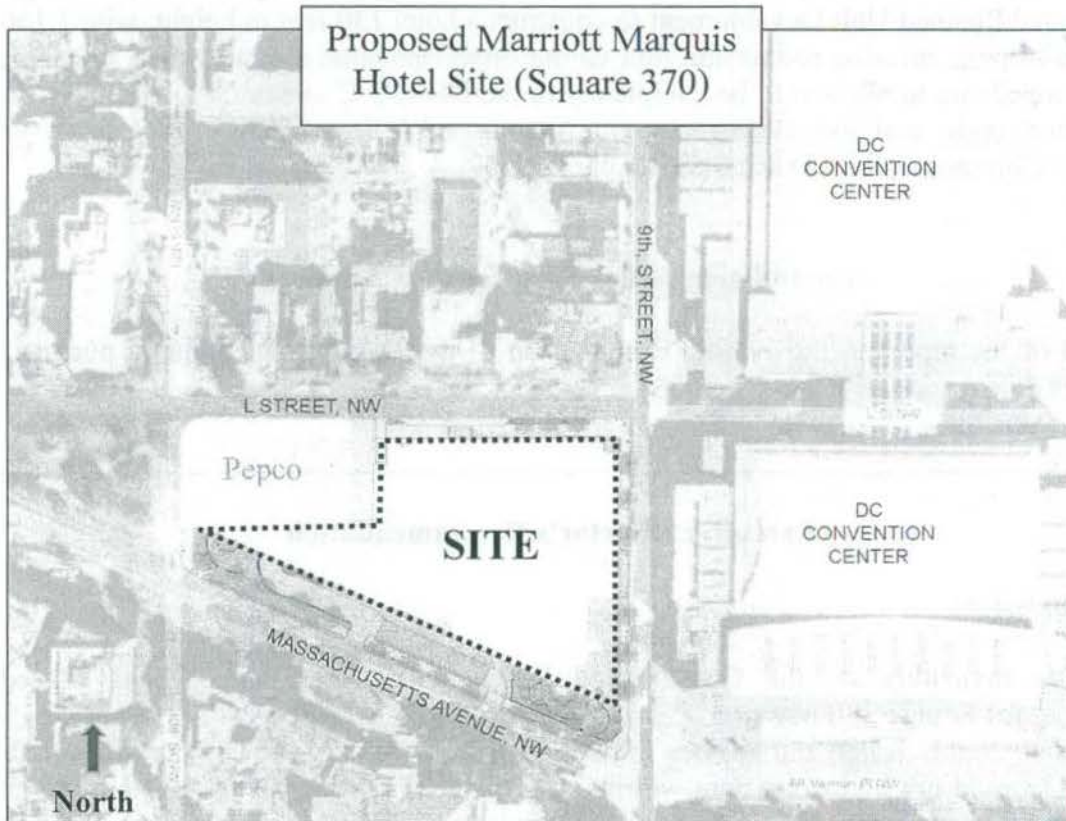
- Allow a sidewalk width along this portion of Massachusetts Avenue, NW that is consistent with sidewalk widths west of the site.
- Better integrate the outdoor dining space with the sidewalk.
- Reduce the amount of public space dedicated to vehicular movement along Massachusetts Avenue, NW, a L'Enfant street.

* * *

PROJECT DESCRIPTION

Site

This 82,888 square-foot site is located along Massachusetts Avenue, NW between 9th and 10th Streets, NW. The Washington Convention Center is located east of the site across 9th Street, NW. Across 10th Street, west of the site, is a triangle park with a statue of Samuel Gompers, founder of the American Federation of Labor. Also located on Square 370 is the seven-story, historic American Federation of Labor building, two small buildings, a parking lot and a three-story Pepco substation.



Proposal

The Zoning Commission for the District of Columbia has referred a proposed consolidated planned unit development and related map amendment for review and comment. The proposed consolidated PUD seeks to allow greater height and a map amendment to change the zoning from DD/C-2-C to DD/C-3-C because the site is split zoned. Also this proposal includes an air rights development request pursuant to the District of Columbia Public Space Rental Act of 1968 and D.C Code 11-1100.

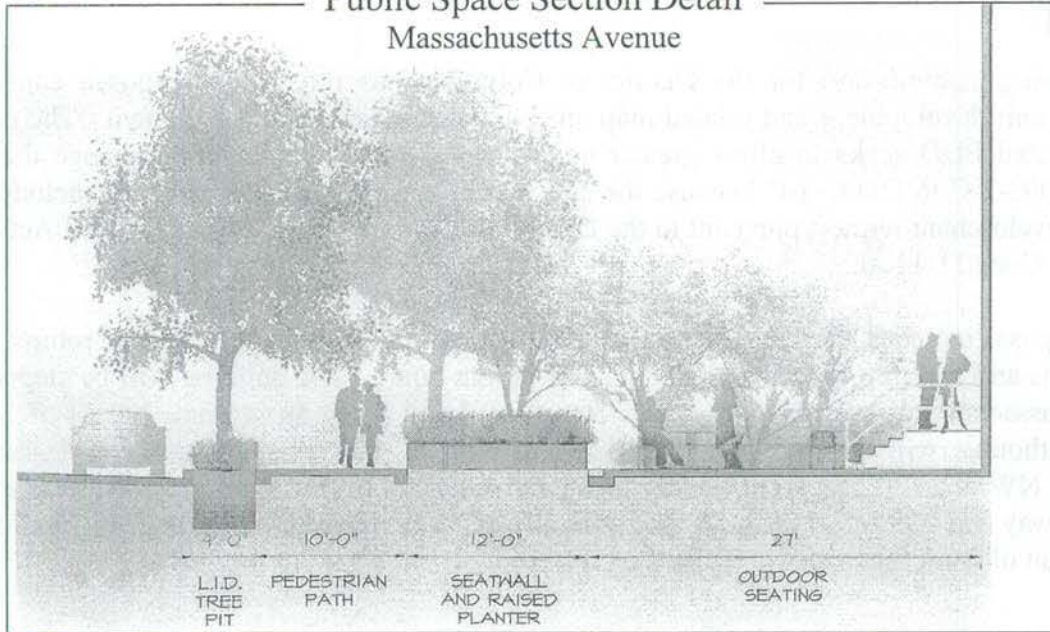
The proposal includes the construction of a hotel that will include 1,160 guest rooms, several ballrooms and meeting spaces and an enclosed atrium court. The building will be stepped back from Massachusetts Avenue, NW and L Street, NW and reach an ultimate height of 130 feet. The penthouses will be 18.5 feet in height and built on the adjacent roof. Massachusetts Avenue, NW is a 130 foot right of way, L Street is a 90 foot right of way, 9th Street is a 90 foot right of way and 10th Street is an 85 foot right of way. The maximum building height allowed by the Height of Buildings Act is 130 feet.



Perspective of Marriott Marquis Hotel –
Massachusetts Ave and 9th Street, NW

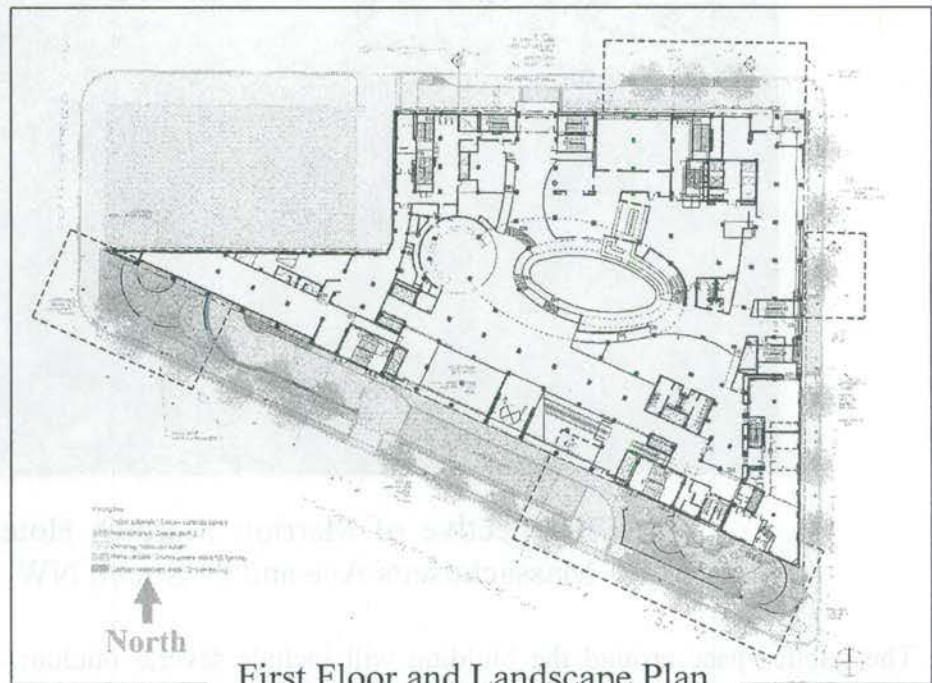
The public space around the building will include several outdoor dining areas, sidewalks, a porte cochere and a garage entry. The main entrance to the hotel will be located on Massachusetts Avenue, NW and includes a porte cochere to allow guests to pull up their vehicles to the front door of the hotel. An underground parking garage will be valet-accessible only. Two outdoor dining areas are also located in the public space along Massachusetts Avenue.

Public Space Section Detail
Massachusetts Avenue



In addition, the seven-story American Federation of Labor office building will be renovated and incorporated into the design and will be transformed from office space into a boutique hotel.

The first floor of the project includes space for four eating establishments, administrative space, the main entry off Massachusetts Avenue, NW and an entrance off of L Street, NW, and grand staircase leading down to the ballrooms and meeting space underground. The other floors will house the 1,160 guest rooms and the 13-story atrium which will be enclosed by a glass roof.



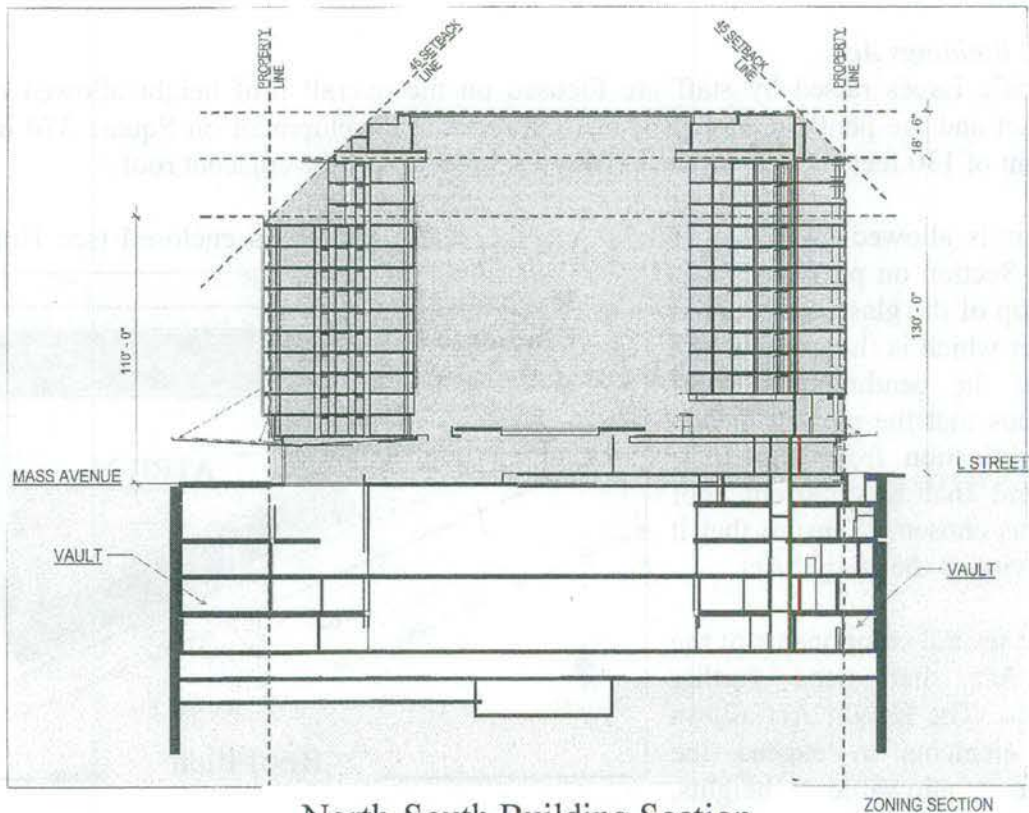
First Floor and Landscape Plan

The project is located within two zone districts, DD/C-2-C and DD/C-3-C, which are both medium- to high-density commercial districts. The developer is requesting a PUD related map amendment to place the entire project within the DD/C-3-C zoning district. The following is a comparison of the two zones:

	DD/C-2-C	DD/C-3-C	PUD Standards	Proposal
Maximum Lot Occupancy	80%	100%	-	-
Maximum Building Height	90 feet	90 feet	130 feet	130 feet
Maximum FAR-residential	8.0	9.5	8.0	n/a
Maximum FAR – non-residential	4.5	6.5	8.0	9.3

The proposal also includes a central atrium shown in the building section below. The atrium is 14 stories above the lobby floor.

Also shown on this section is the vault space along Massachusetts Avenue, NW and L Street, NW. The vertical, dashed red lines indicate the property line of the building. Vault space will be used for mechanical rooms, meeting rooms, and some of the guest parking spaces. The District and the developer are in negotiations regarding the use of the vaults which is located in public space.



North-South Building Section

Finally, this project was reviewed by the District of Columbia Historic Preservation Review Board (HPRB) in July 2008 because the American Federation of Labor building is a historic structure. The HPRB followed the District of Columbia Historic Preservation Office (DC SHPO) staff report and approved the concept design for renovation of the American Federation of Labor building, which noted in its report dated July 24, 2008 that “the extent of paving for vehicular entry, drop-off and garage access in this plan greatly exceeds the norm for other hotels and buildings along L’Enfant Plan streets.” They were concerned about the way the streetscape was handled along Massachusetts Avenue, given its prominence. The DC SHPO strongly urged the developer to continue working with the Office of Planning on refining the project design.

PROJECT ANALYSIS

Executive Summary

Staff agrees with the Office of Planning that this proposed project will benefit the city in meeting economic development goals and support the Washington Convention Center. This building will also improve an underdeveloped site and increase the amount and quality of hotel guest rooms in the District.

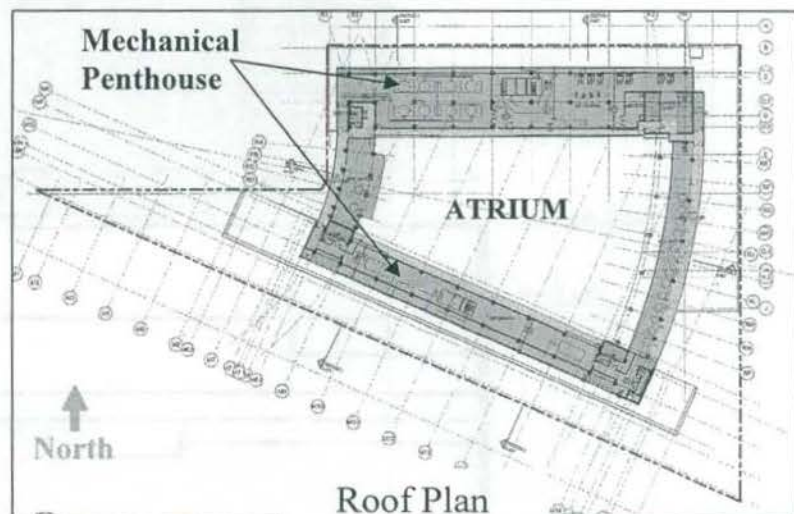
After reviewing this proposal, staff has identified several federal interests with respect to the proposed PUD and map amendment on Square 370. These federal interests include the Height of Buildings Act of 1910 as amended and the use of public space as set forth in the Comprehensive Plan for the National Capital with respect to views along Massachusetts Avenue, NW, an original L’Enfant street.

Height of Buildings Act

The specific issues raised by staff are focused on the overall roof height allowed under the Height Act and the penthouse setbacks. The proposed development on Square 370 includes a roof height of 130 feet and a penthouse rising 18.5 feet above the adjacent roof.

While this is allowed under the Height Act, the central atrium is enclosed (see North-South Building Section on previous page) and the top of the glass enclosure is 148.5 feet which is the same as the height of the penthouses. Staff understands that the current design is a modification from an earlier design and that this current roof height was chosen to ensure that it does not violate the Height Act.

There are several components of the Height Act that need further discussion. The Height Act allows specific elements to exceed the maximum allowable heights,



including penthouses so long as they are appropriately set back at a one to one ratio. It also explicitly prohibits habitable space to be located on the roof.

Staff has determined that the atrium roof for this proposed building can be considered part of the penthouse because it is surrounded on four sides by the mechanical penthouse and does not exceed the penthouse height. In addition, the floor of the habitable space enclosed by the atrium roof is 14 floors below.

The penthouse is set back on all sides except along the western portion of the site closest to the Pepco substation. The staff interpretation of the provisions of the Height Act allow the penthouse not to be set back when the penthouse height is under the maximum allowed height or when the penthouse is on the section of the roof adjacent to a party wall, which is not considered an exterior wall. Staff finds that since the maximum allowed height for the property located west of the site is 130 feet, then the adjacent wall can be considered a party wall and the penthouse does not need to be set back from it.

Staff finds that for these reasons the proposed building is in accordance with the provisions of the Height Act and no alterations are necessary.

L'Enfant Street Rights-of-way

Staff has identified Massachusetts Avenue, NW streetscape treatment as a federal interest that needs to be studied further given the prominence of this avenue in the L'Enfant Plan and the importance of this building to the District of Columbia government. The Comprehensive Plan sets forth in the policies related to the Historic Plan of Washington, D.C. the interests that the federal government has in protecting historic public spaces.

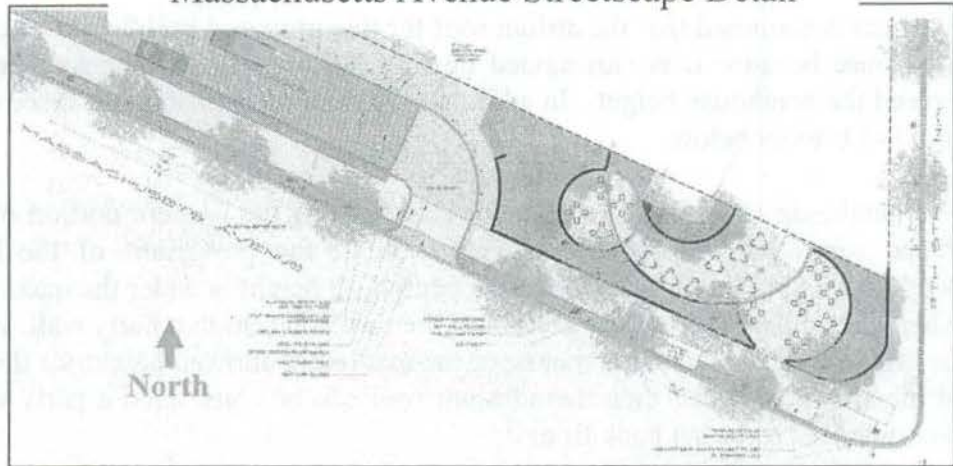
The proposed project includes the use of public space by the developer for outdoor dining, a porte cochere and garage entrance above ground and vault space for meeting rooms, mechanical rooms, guest parking and administrative offices below ground.

Use of the above ground portion of the proposal is an issue because the amount of space allocated for the sidewalk is only 10 feet, while the outdoor dining area is 27 feet plus 12 feet for a planting buffer with seat wall.



The District was given the ability to rent out public space to abutting landowners by Congress in 1968 by the District of Columbia Public Space Rental Act. This was later adopted by the City Council of the District and is now a part of the District

Massachusetts Avenue Streetscape Detail



Municipal Code in Chapter 11, Rental and Use of Public Space. Public space was defined as being either on top of the ground or subsurface. According to this Act, rental of public space in areas identified in the Shipstead-Luce Act would need to be reviewed by the Commission of Fine Arts. This site is not located in this area.

There are several area plans and guidelines produced by the District to address the specifics of the street rights-of-way designs. In particular, the District's Downtown Streetscape Regulations (August 2000) describes how public rights-of-way should be designed in this part of the District. According to these Regulations, variations are only allowed if they improve the quality of the materials used or the design of the public space. The descriptions contained in these Regulations are intended to be minimum standards and apply to all redevelopment projects, including this proposed project.

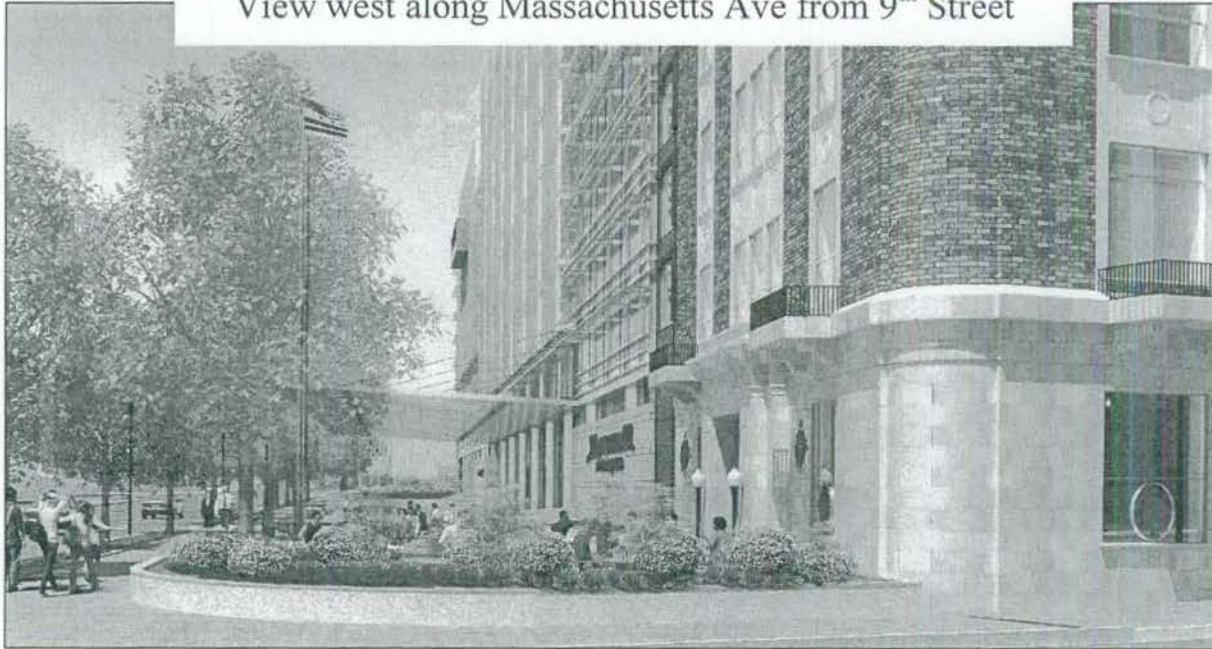
The Comprehensive Plan for the National Capital: Federal Elements describes numerous policies for the preservation and enhancement of the L'Enfant rights-of-way. In particular, Massachusetts Avenue is singled out as one of the important rights-of-way. Policies described in the Preservation and Historic Features - Historic Plan of Washington, D.C. section of the Comprehensive Plan state that, with respect to L'Enfant spaces and rights of way, the Federal government should:

2. Promote continuity in historic design framework of the nation's capital by protecting and enhancing the elements, views, and principals of the L'Enfant Plan. Both the federal and the District of Columbia governments should adhere to these principles in any improvements or alterations to the historic framework.
3. Preserve the historic street rights-of-way and reservations that contribute to the significant system of open space forming the urban design framework of the nation's capital.
8. Protect and control the visual and functional qualities of the of L'Enfant rights-of-way.
9. Protect the open spaces of the L'Enfant streets. The exceptional width and openness of the street rights-of-way constitutes public space that helps to define the character of the city.

11. Protect the integrity, form and design of the L'Enfant Plan's system of streets and reservations from inappropriate new buildings and physical incursions.

While no specific roadway cross-section is identified in the Comprehensive Plan, as this is a broad policy planning document, the need for ensuring aesthetically-pleasing landscapes along public rights-of-way is very important. The image included on this page was submitted by the developer as an example of what the Massachusetts Avenue landscaping would look like.

View west along Massachusetts Ave from 9th Street



Staff has identified the width of the sidewalk and vehicle drop-off as concerns with respect to the proposed landscaping along Massachusetts Avenue, NW. Approximately 37 feet of the public space is outdoor dining or vehicle drop-off while the width of the sidewalk is 10 feet with a 4 foot tree planting strip. While this vehicular entry may be an allowable design response for a suburban location where land is plentiful, is not an appropriate response in an urban setting, especially given its location next to the D.C. Convention Center and along Massachusetts Avenue.

Staff finds that the current proposal for the design of the public space does not enhance the historic views along Massachusetts Avenue, protect the functional quality of the right-of-way, protect the openness of the street right-of-way or fully protect the integrity or design from physical incursions as identified in the Comprehensive Plan. This proposal will need to be modified to address these issues and alleviate these identified concerns.

Therefore staff recommends that the Commission **comments favorably** on the Consolidated Planned Unit Development and related map amendment for Square 370 between 9th and 10th Streets, NW with respect to the building height, massing and overall design and **advises** the Zoning Commission of the District of Columbia that the project would not be inconsistent with

the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests provided that the public space portion is modified to:

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