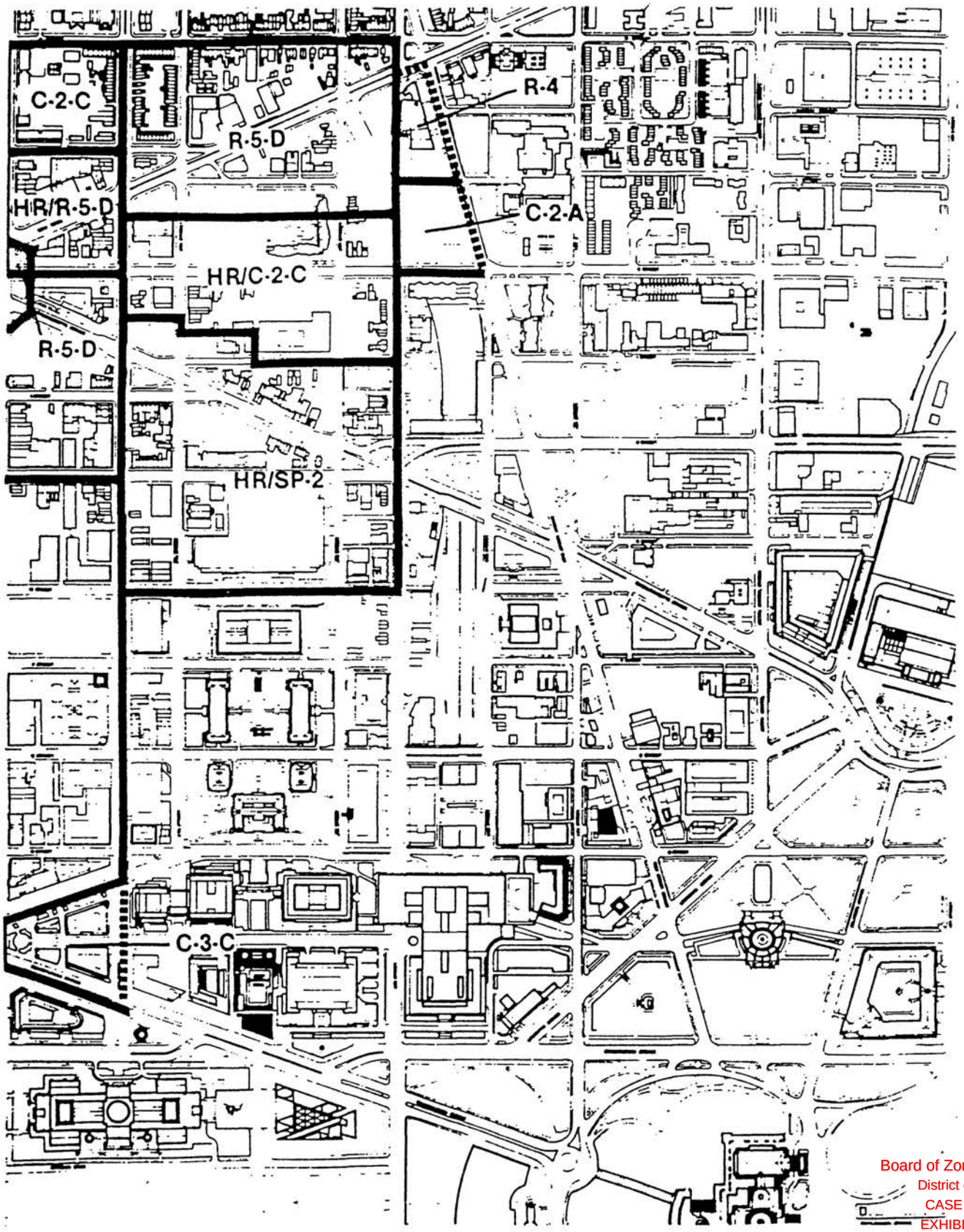
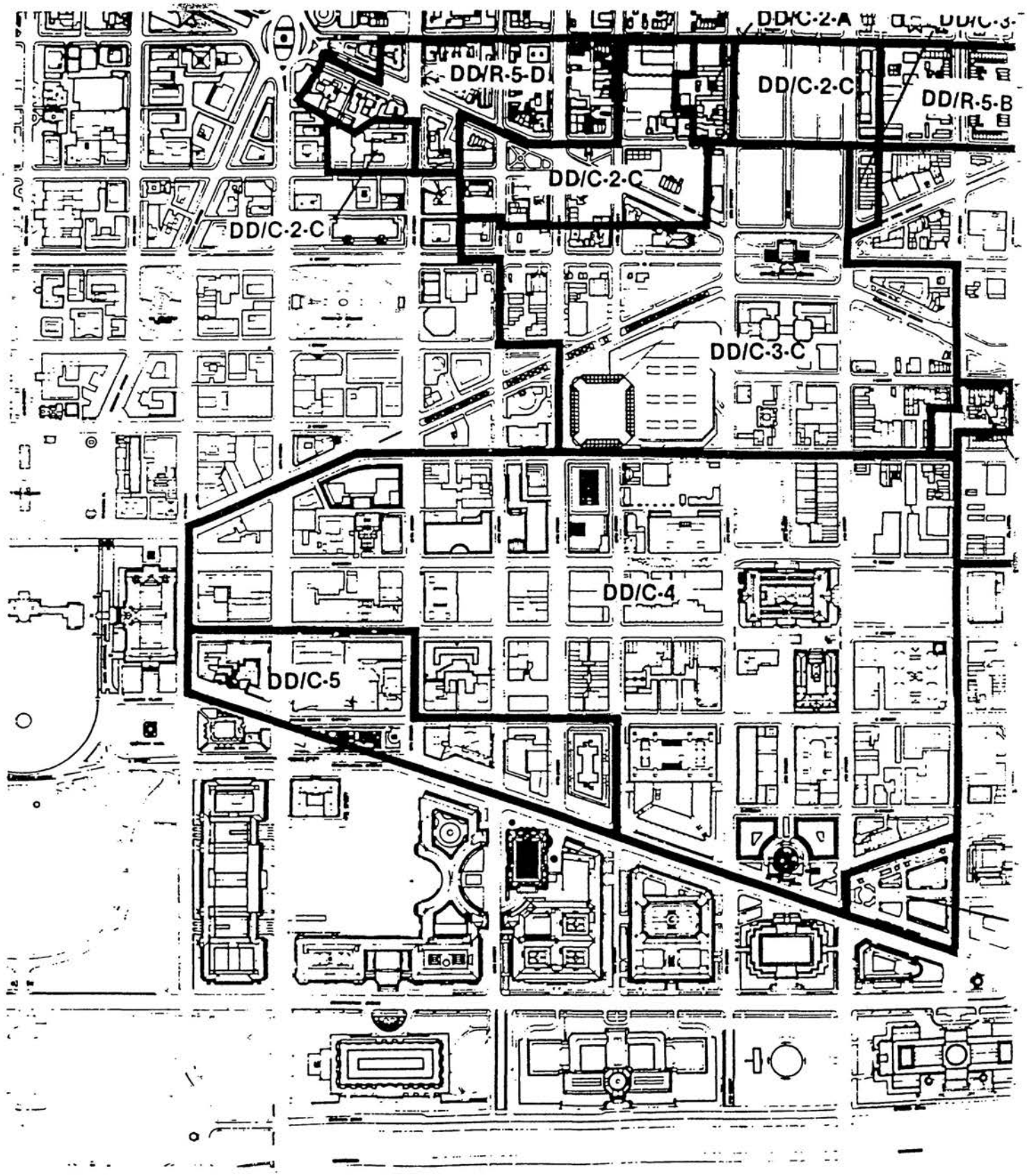
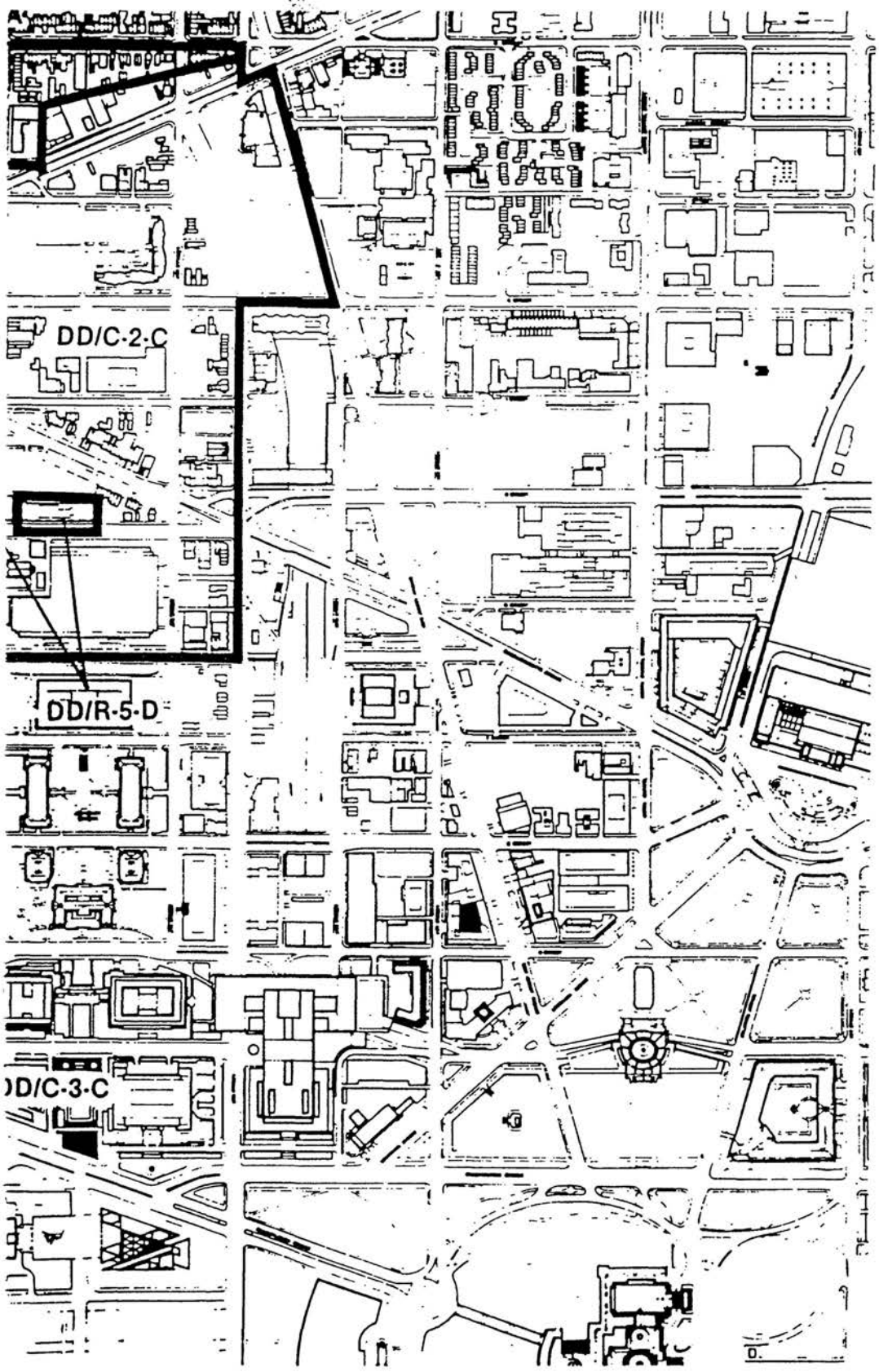


Board of Zoning Adjustment
District of Columbia
CASE NO.16603
EXHIBIT NO.41A2

Existing Zoning


DD/C-2-A
DD/R-5-D
DD/C-2-C
DD/R-5-B
DD/C-2-C
DD/C-2-C
DD/C-3-C
DD/C-4
DD/C-5



Proposed Zoning Downtown Development District

maximized, in the opinion of the Office of Planning (OP). For example, the lower preferred use requirement means that bonus density is earned from a lower base; the TDR opportunity offers the business owner of a small building the opportunity to sell TDRs rather than having to either sell the property itself to a major developer or hold on while paying increasingly higher taxes on the land. Some small building owners have expressed the concern that the TDRs will be difficult to sell. Early experience from TDRs authorized by the SHOP District suggests that the potential buyers of TDRs will seek out the small building owners.

o Structure of the Downtown Development Overlay Zone

The zone includes area-wide provisions and provisions for the following geographic subareas: SHOP District, Arts District, Chinatown, historic districts, and residential/mixed use area. The subarea provisions are summarized on the following pages (except the SHOP District, which is incorporated as previously adopted with minor modifications). Some of the more important area-wide provisions follow:

-- Ground level retail or entertainment uses are required on most streets south of Massachusetts Avenue.

-- Street level design standards and/or driveway restrictions apply along the most important pedestrian-designated streets.

-- Conversion of an anchor use, specifically an existing department store, theater, hotel or apartment house, requires review and approval by the Board of Zoning Adjustment.

-- A child development center counts at one and one-half times its actual floor area towards non-residential preferred use requirements.

-- Summaries of the subarea provisions are on the following pages.

The overlay zone is organized into the following section numbers and titles. This listing is intended to give the reader an overview of the contents of the zone, the entirety of which is found in the Notice of Public Hearing, separately available.

1700 General Provisions
1701 Area-Wide Design Standards
1702 Area-Wide Use Provisions
1703 Downtown Shopping District
1704 Downtown Arts District
1705 Chinatown
1706 Residential and Mixed Use Development
1707 Historic Preservation
1708 Development Flexibility and Bonuses
1709 Combined Lot Development
1710 Transferable Development Rights
1711 Exceptions
1712 Waivers
1713 Retail and Service Uses
1714 Arts Uses and Arts-Related Uses
1715 Office Space Users
1716 Definitions

On the following pages of this report the provisions of the five major areas regulated by the zone are discussed. These are the Shopping District (SHOP), the Arts District, Chinatown, Residential-Mixed Use, and historic preservation.

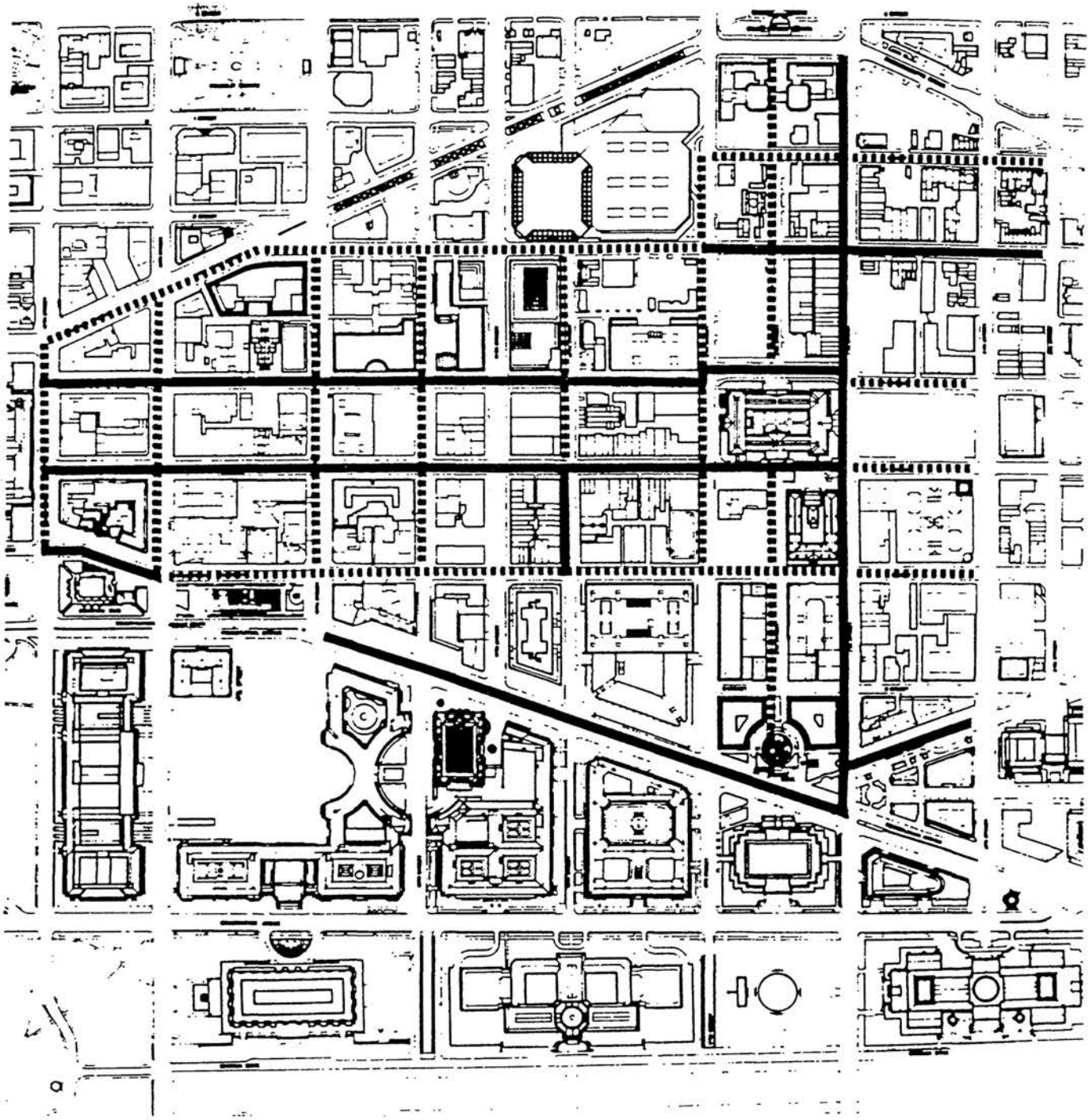
III. DOWNTOWN SHOPPING (SHOP) DISTRICT

The SHOP District was adopted by the Zoning Commission in 1989, based on a proposal and testimony by the Office of Planning. The provisions of SHOP are incorporated in Section 1703 and other relevant sections of the DD Overlay. Many of the design and zoning principles established in SHOP are extended to additional parts of Downtown in this comprehensive overlay zone. Because it is already adopted, the discussion of SHOP in this report focuses on current development projects as they comply with or relate to SHOP.

Policies:

-- Create the most concentrated area of retail, service, arts, and entertainment uses in Downtown, in excess of one floor of these uses, with the greatest retail concentration oriented to F and G streets, N.W.

-- Strengthen the character and identity of the district by means of physical design standards which ensure the following:



Pedestrian Oriented Street Controls

Driveway Prohibited and Street Level Design Standards Apply

Street Level Standards Apply

+ new buildings constructed to the property line and primarily oriented to the street rather than to internal spaces

+ continuous retail, service, and entertainment uses on the ground level of buildings, with ample display windows and frequent store entrances to the outdoor pedestrian circulation system

+ a pedestrian environment with ample sidewalks interrupted by a minimum of vehicular driveways, especially along F and G streets

Zoning Requirements and Incentives

-- Each new or altered building must include 2.0 or 1.5 of gross floor area devoted to retail, service, arts and entertainment uses.

-- In buildings that are also within the Arts District, 50 percent of the space must be arts, entertainment or related uses.

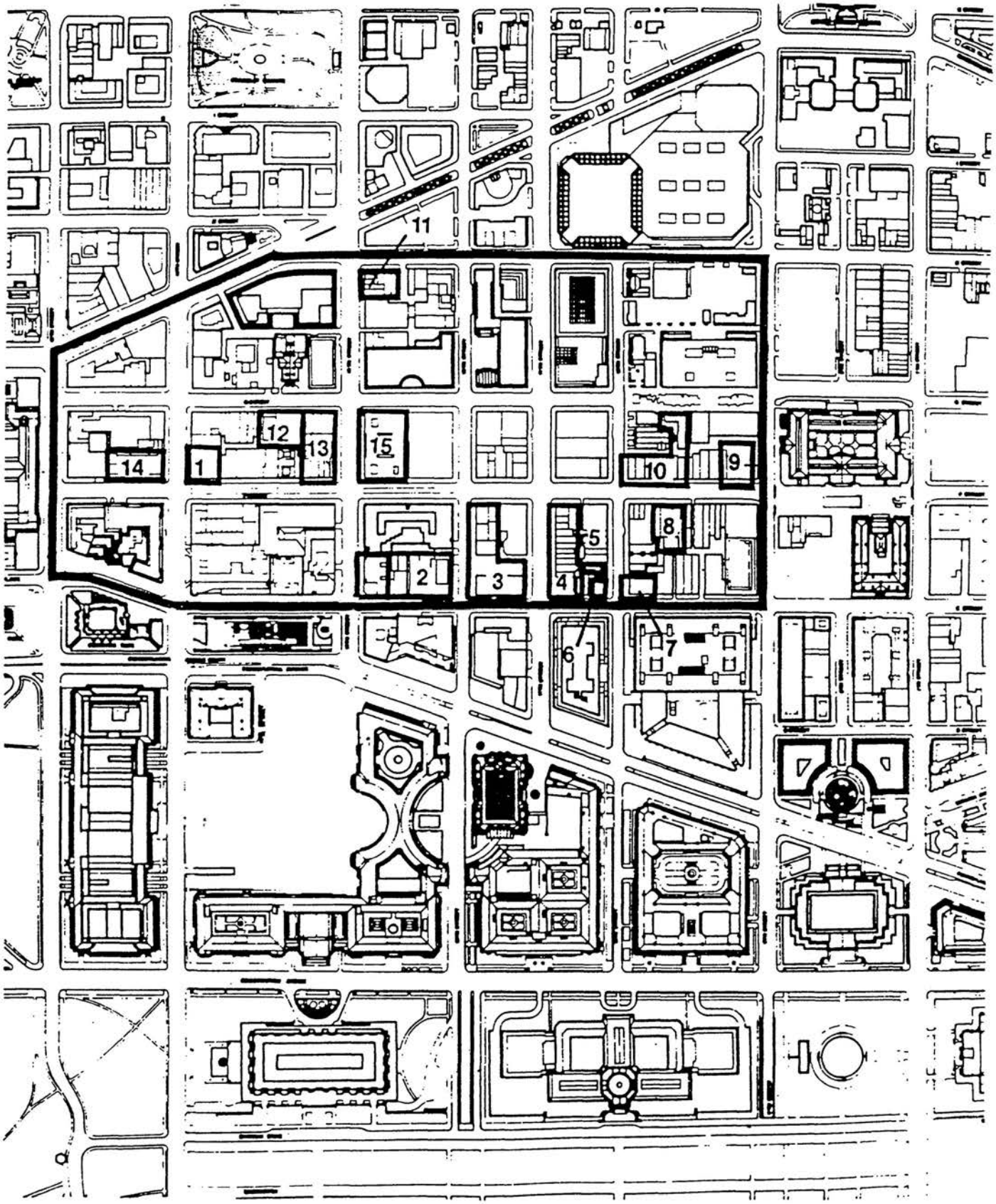
-- Bonus density incentives are available to department stores, anchor store, legitimate theater, movie theater, performing arts space and small, minority or displaced business.

-- Street level design standards aim to ensure an active, pedestrian-oriented ambience, including requirements that the ground level street wall of buildings be 50 percent or more devoted to display windows and entrances and that curb cuts not be permitted along F or G street.

Developments Related to the SHOP District

Eleven development projects that are under construction or approved in the SHOP District show positive use of the bonus incentives of the zone as well as straightforward compliance in other cases. These projects are summarized on the map and below.

1. The NBW Center. Located at 14th and F streets, the center incorporates the architecturally significant Westory Building with new construction. The complex provides the required 2.0 FAR of retail and service uses, with major office space. The preferred uses are provided on two basement levels plus ground level. The complex will be completed in 1990.



Shop District

2. Garfinckel's. This department store is the western anchor of the Retail Core. Plans are now proceeding to consolidate the retail space on four floors and convert the upper three floors to private office space. Total retail space will decrease slightly from the present amount, but will be more efficiently arranged. Under the provisions of the SHOP District, the conversion must be approved by the Board of Zoning Adjustment.

3. Warner Theater. The historic Warner Theater is being restored and functionally improved for theater use as part of the redevelopment of the southern half of Square 290. The office component of development includes bonus density earned by the theater pursuant to SHOP. This bonus density will help to subsidize the theater use. The project also includes the required 1.5 FAR of arts and retail uses combined, including restaurants and function rooms connecting to the theater foyer. The bonus density is built as two floors of extra office space on-site, leaving additional TDRs which may be transferred elsewhere in the future.

4. 555 12th Street. Manufacturer's Realty is preparing to construct an office/retail complex at this site occupying approximately three-fourths of Square 421. The project includes several levels of retail space totalling approximately 142,000 square feet of floor area. Of this, just over 100,000 square feet is reserved for department store use by a 20-year covenant.

   The department store will face E Street with the additional retail space on two levels facing 12th Street and F Street. The department store generates a large amount of bonus density that will increase the project from 8.5 to 11.46 FAR. The latter density required an FAR variance so that more than the normal level of bonus density could be achieved. OP is satisfied that the building design is very high quality despite the large amount of density. Construction is expected to begin in 1990.

5. 555 - 11th Street. This is a major office-retail-entertainment development by the Carr Company approved as a project of special merit by the Mayor's Agent for D.C. Law 2-144 (Historic Preservation). It combines high-density new development with preservation of a number of historic building facades. Six movie theaters, having a total of approximately 1,500 seats, are

included and earn bonus density for potential use off-site. The required 1.5 FAR of retail and entertainment uses combined is exceeded.

6 & 7. Historic Buildings on 10th Street. Two buildings within the Pennsylvania Avenue historic site are in advanced negotiations for transfer of development rights to a receiving site pursuant to SHOP provisions. They are the historic Stags Tavern (new Irving Sporting Goods), important historically and architecturally, and the building now occupied by the Lincoln House Restaurant (504-508 - 10th Street). Both are part of the important 10th Street setting for Ford's Theater. Because of transferred development rights, the preservation of the buildings with very limited potential for additions is made more feasible and is required by covenant.

8. 930 F Street. This project is a major preservation/new development, incorporating the facades of the Atlantic Building and three small buildings along F Street. The project was approved under a special merit order by the Mayor's Agent for D.C. Law 2-144 (Historic Preservation). The project incorporates a number of special historic preservation and design features and will include a small museum and more than a floor of retail space, including space reserved for a cabaret. The project was approved under the SHOP regulations as originally advertised.

9. Lansburghs Furniture Store (old Masonic Temple). This project at 901 F Street is an especially important landmark building. The building occupies part of a 22,000-square-feet site, now a parking lot. A developer is proposing to proposing to transfer some FAR off- site, renovate the landmark and locate preferred uses in the renovated building/new construction on-site.

10. E Street - St. Patrick's Church. The Kaempfer Company is planning a new office/retail/arts building on the St. Patrick's site. The building will include preservation of historic frontages on the 900 block of F Street (north side) with substantial retail and arts space. Because of restricted density, TDRs would be generated for use off-site.

11. The Homer Building. Scheduled for completion in 1990 by the John Akridge Company, the building is a "special merit" historic preservation project, with the building permit issued prior to SHOP. However, one of the

provisions of the special merit agreement is for the developer to provide 106,000 square feet of retail space (2.35 FAR) on four levels (ground, mezzanine and two below grade).

12. Thirteen Ten G Street. This office building is under construction and will be completed in late 1991. The building permit was issued prior to the passage of SHOP. In addition to ground floor retail, the developer (John Akridge Company) has designed space on the B-1 level which can be used as retail space.

13. Thirteenth and H Streets. A new office/retail building is being constructed in accordance with the SHOP provisions, including 1.5 FAR of retail space.

The Retail Targets:

The level of required retail, service and entertainment space in the adopted SHOP District is 1.5 or 2.0 FAR equivalent, depending on the location. These requirements will concentrate more than one level of retail space throughout the Retail Core subarea of Downtown within the range of the land use target in the Comprehensive Plan.

No specific retail target was adopted in the plan for the Retail Core separate from Downtown as a whole. The Mayor's Downtown Committee report specified a target of 2.7 million square feet of floor area, based on a 1981 market study that found 2.72 million square feet would be supportable by the market. This target was for a "restricted" retail core oriented to F and G streets. In the SHOP District case, the Office of Business and Economic Development (OBED) and OP calculated the Mayor's Downtown Committee targets for the "full" retail core as 3.035 million square feet of floor area. This was done using the committee's square by square development projections under the plan for the blocks included in the full retail core.

At the conclusion of the SHOP case, the Office of Planning's final report indicated that the retail core (shopping district) has 1,403,856 square feet of existing retail and related uses that will remain. Based on the final SHOP requirements of 1.5 and 2.0 FAR, OP projected that approximately an additional one million square feet of retail, service, financial, eating and drinking uses would be generated, for a total of 2.5 to 2.4 million square feet. This degree of shortfall has been accepted as reasonable.

The actual level achieved in 10 to 20 years will depend upon numerous variables such as the fourth department store, the success of entertainment uses in adding to the base of potential shoppers attracted Downtown on evenings and weekends and the relative success of public or private efforts in such matters as marketing, validated parking programs and shuttle bus service.

IV. ARTS DISTRICT

Policies:

-- create a concentration of activities relating to performing and visual arts, cultural facilities, entertainment and arts-related retail

-- create two key arts corridors: the E Street theater spine, with theaters, movie theaters, restaurants, nightclubs, arts-related retail; and the Seventh Street arts walk, a pedestrian-oriented concentration of museums, art galleries, other visual or performing arts uses and "festive retail"

-- encourage the general development pattern adopted in the Comprehensive Plan regarding non-arts uses (generally upper floor uses): mix of residential, office and hotel uses.

-- the Arts District includes parts of Gallery Place, Market Square, Pennsylvania Avenue West, and Shopping District subareas.

Zoning Requirements and Incentives:

-- Each new or altered building must include 1.0 of gross floor area (FAR) devoted to arts, retail and entertainment uses combined (1704.3).

-- A limited portion of the space (0.25 FAR) must be "true" arts uses, as specified [1704.3(a)]. If 0.5 of arts uses are provided, there is no additional retail requirement [1704.3(b)].

-- The same specified uses also earn bonus office density (1704.7). These uses are: art center, art exhibition area, art gallery, art school, artist live-work space, artist studio, performing arts space, cabaret, dance hall, dinner theater, legitimate theater, movie theater, museum, television or radio broadcast studio.

-- Certain blocks in the Arts District are also designated in the Downtown Plan for mixed use development including residential. The residential requirements and incentives are set forth in the residential section of the DD Overlay (1706). Projects developed with a housing component have a reduced arts and retail requirement [1704.3(c)]. Conversely, projects that earn bonus density from arts uses earn a limited reduction in the amount of housing required (1704.10).

-- Bonus office density can be developed on-site (except historic sites) or off-site anywhere in the DD commercial area or in the receiving areas (1704.6, 1708).

-- Required arts and arts-related uses may be provided off-site elsewhere in the Arts District via combined lot development except for ground level uses (1709).

-- Art exhibition area and unenclosed sidewalk cafe (normally located in public or semi-public space) count towards preferred use requirements (1704.4, 1704.5).

-- The largest bonus density ratio is for major arts facilities that would be "anchors," i.e., would provide multiple positive impacts on other preferred uses and the desired character of the Arts District [1704.7(a)].

<u>Rationale for Arts District Zoning Provisions:</u>

-- Policies are condensed from adopted provisions of the Comprehensive Plan.

-- A geographic concentration of arts, arts-related retail, entertainment, and "festive retail" uses in a pedestrian-oriented environment is needed for an arts district to become known and popular and to survive over a period of years.

-- E Street is envisioned, and is rapidly evolving as the performing arts center of Downtown, anchored by the National, the Warner and Ford's theaters, the theater in the Lansburgh's development plus the proposed six movie theaters at 11th and E streets. Seventh Street is to be predominantly visual arts plus miscellaneous support uses and entertainment. The anchors are the national museums on the Mall (south) and the National Portrait Gallery/National Museum of American Art at Gallery Place (north), plus the Washington Project for the Arts and the District's Stables

Art Center in between. The National Building Museum on F Street, two blocks east of Seventh Street, is another attraction.

-- Each building must contribute its "share" of the desired use mix, so that there is continuity of active arts and arts-related uses as well as general fairness among property owners and developers.

-- The schedule of preferred uses in the Arts District includes arts uses, "festive retail" uses and arts-related retail uses, all intended to contribute to the desired use mix and ambience of the area.

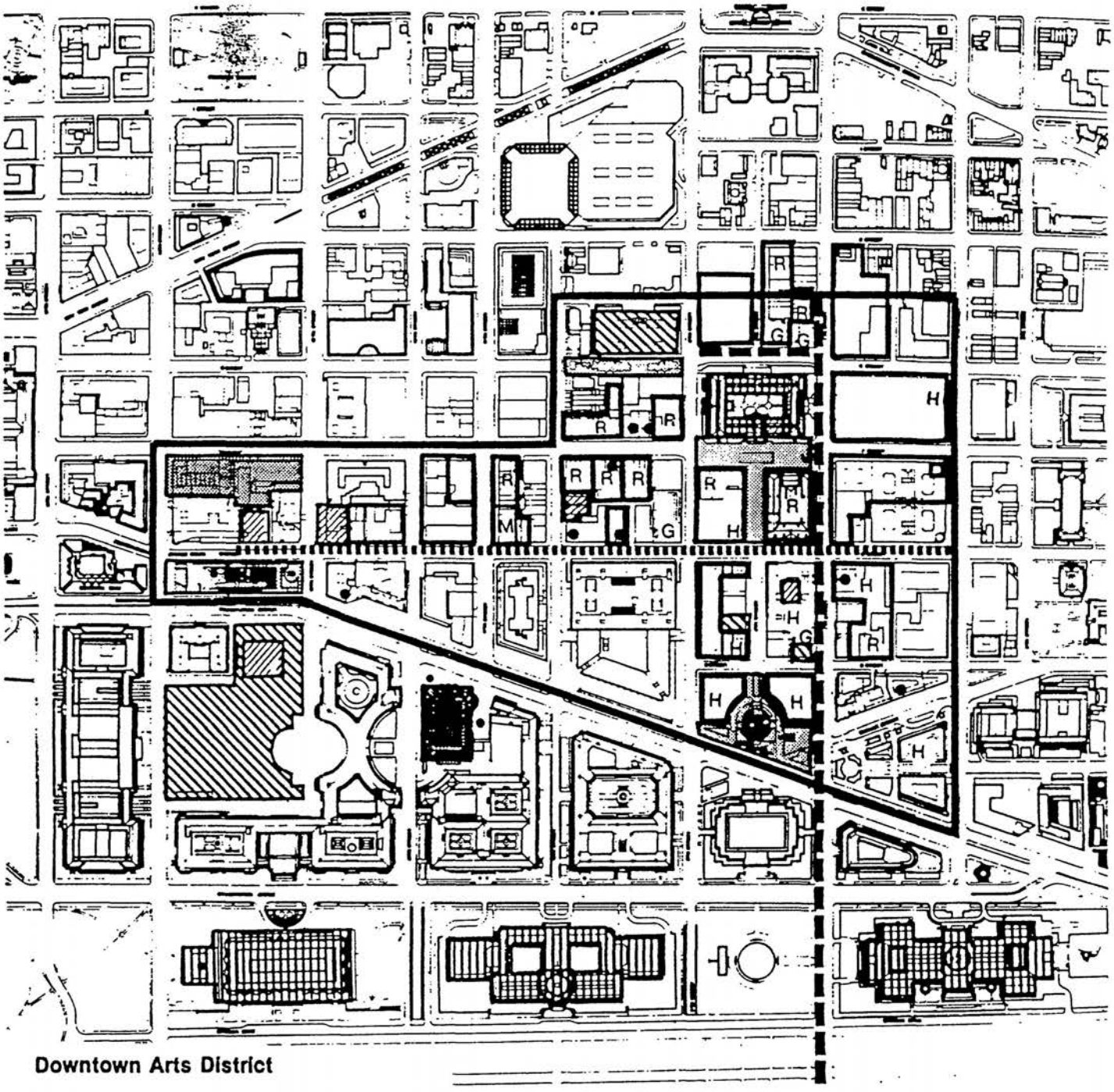
-- A certain amount of the space must be true arts uses, or the result could be simply a restaurant row or festive retail area without the necessary base of actual arts uses.

-- Residential development is quite unprofitable in the Downtown core, but is called for in the plan as part of the 18-hour activity and support for retail and entertainment uses needed for a living Downtown. Developers who are providing the apartments accordingly have a lesser arts/retail requirement. Also, developers who provide important, anchor arts uses, such as a major art school or art center, have a somewhat reduced residential requirement.

-- Washington's strong office market is the principal subsidy employed in the DD zone to achieve the preferred mix of other uses. For maximum utility, the office bonus density should be usable on as many sites as feasible. However, the required arts and arts-related uses, must be provided within the Arts District (on-site or off-site) or the necessary geographic focus would be lost.

<u>The Target for Arts Uses</u>

According to the Mayor's Downtown Committee, the arts is key to sparking Downtown activity and animation, even though arts space is relatively limited compared to other major uses. Arts uses in Downtown in 1982 totaled 470,000 square feet, not including arts-related retail space. Major public arts uses are found in the National Portrait/Gallery/National Museum of American Art at Gallery Place and Peterson House, the house museum where Lincoln died. These uses total 320,000 square feet. Another 150,000 square feet of semi-public arts space was counted in the old Lansburgh's Arts Center, though that space was



Downtown Arts District

- Downtown Arts District Boundary
- E Street Theatre Spine
- 7th Street Arts Walk
- Theatre/Preforming Arts Space
- Museum
- Arts or Cultural Center
- Festival Retail Marketplace
- Open Air Peforming Spaces
- Major Development Site
- R — Renovation or Preservation -- Involved
- H — Housing -- Under Construction or Proposed
- M — Movie Theaters - Future
- G — Art Galleries
- Cabaret/Nightclub

not intensively used. Looking to the future, the committee projected an increase in public arts space in the reuse of the Tariff Commission Building (Square 430) for additional Smithsonian arts activities and the reuse of the Pension Building for the National Building Museum.

The target for these public arts uses is 650,000 square feet. Semi-public arts space will increase from 150,000 square feet to 250,000 square feet, including the retention and improvement of the Lansburgh's Art Center. Overall, arts space in Downtown (not just the Arts District) is projected to increase from 470,000 square feet to 900,000 square feet. The committee's report suggested that another 700,000 square feet of arts and entertainment space (restaurants, private art galleries, art supplies, movie theaters, etc.) would be important although this space was assumed to be in the retail space and not broken out as a separate target.

Since 1982, considerable progress with the arts has been made, including the opening of the National Museum of Women in the Arts (not anticipated in 1982); the new space for the Washington Project for the Arts (WPA) in the Jenifer Building; the opening of the District's Stables Arts Center; and construction of the Lansburgh's Art Center, now to be a 500-seat theater. The program for Lansburgh's includes a much smaller arts center than was assumed in 1982 (approximately 30,000 square feet rather than the 150,000 square feet assumed in 1982). However, Lansburgh's includes a major residential component (385 units) as well as significant retail use. The National Theater has reopened and the Warner Theater is now under renovation as part of a larger complex. Major renovation is nearing completion on the Pension Building in Judiciary Square, home of the National Building Museum. The arts space in 901 E Street opened in 1989. New private art galleries have located in the Gallery Row project but some galleries have left 406 Seventh Street because of construction impacts. A complex of movie theaters is proposed in the Lincoln Square project at Eleventh and E streets. The U.S. International Cultural and Trade Center is to be built in the Federal Triangle just south of Downtown. It will include a large theater (approximately 2,000 seats), three smaller theaters and exhibit and retail space. It forms a major new anchor of arts and arts-related activities at the west end of the E Street Theater Spine.

Recent work by the Office of Planning and the Arts team of the Downtown Partnership has focused on the importance of achiveing 1) a concentration of arts uses along the Seventh Street Arts Walk and encircling the National Portrait Gallery/National Museum of American Art and 2) achieving additional performing spaces, cabarets and restaurants along E Street and in other parts of the Arts District, such as the 900 block of F Street. Applying the arts requirements of the DD District to major remaining development sites indicates approximately 126,000 square feet of arts and arts-related space will be produced. Another 84,330 square feet of arts space is proposed on the Pennsylvania Avenue Development Corporation's sites and the Gallery Place Urban Renewal site that are exempt from the DD District. This will mean a total of approximately 445,000 square feet of additional arts and arts-related space in Downtown.

The critical mass of arts uses in Downtown can be achieved with the help of the DD District. However, quantity of floor space for arts uses is not the sole objective. The spatial arrangement of the arts space, especially along Seventh Street, around Gallery Place and along E Street is critical. Associated retail space and ongoing management of the arts spaces is also necessary. The arts teams of the Downtown Partnership has been meeting with the developers in the Arts District to help forge a continuing commitment to the arts in Downtown.

V. CHINATOWN

Policies:

-- protect and enhance Chinatown as Downtown's only ethnic cultural area

-- maintain and expand the existing concentration of retail uses emphasizing Chinese and Asian merchandise and related wholesale operations serving residents, visitors, tourists and business travelers

-- reinforce the area's economic viability by encouraging mixed-use development, including substantial housing; cultural and community facilities, offices, retail and wholesale businesses, and hotels

-- protect existing housing and the most important historic buildings with suitable preservation controls, residential and commercial zones and economic incentives

-- obtain a Chinese design character for new and renovated buildings. (Chinese design is achieved through a separate design review process which includes review and recommendation from the Chinatown Steering Committee.)

Zoning Requirements and Incentives:

-- On key commercial frontages in the heart of Chinatown, one-fourth of the ground floor space must be for businesses selling goods or services of predominantly Asian cultural origin; the Zoning Administrator can refer an application to the Director of the Office of Planning for advice on complying uses [1705.3(a)].

-- Including the above-referenced space, a total of 1.0 FAR of retail, service and entertainment uses must be provided. This is consistent with Chinatown's location near the Convention Center and overlapping with the Arts District. This additional requirement is waived for projects having a substantial housing component, leaving housing/mixed-use buildings with a requirement of only ground level retail including 0.25 FAR of Asian businesses [1705.3(b)].

-- Preserved housing in Square 485 earns either linkage or transferable development rights off-site (1705.4). This block is predominantly residential in use and is also located within the Downtown Historic District.

-- Portions of Chinatown are rezoned from SP-2 to C-2-C so as to remove the anomaly that portions of Chinatown are not now permitted retail use and development. This is especially important for H Street between Fifth and Sixth streets, N.W.

-- Certain street frontages within the Downtown Historic District land constituting about one-half of Chinatown are proposed for on-site density restrictions and incentives including transferable development rights and automatic waiver of required housing development that would otherwise apply [1707.4, 1707.5, 1706.5(i)]. In these locations, office-retail development within or as additions to historic buildings is the favored land use policy. In most locations this is a reduction from 6.5 FAR commercial permitted in the underlying C-3-C zone to 6.0 FAR on-site.

The additional density normally allowed (under HR or DD) for residential or hotel development is waived as a trade-off for economically viable historic preservation.

-- Properties outside the designated historic frontages have a housing requirement on-site of either 2.0 FAR in the DD/C-3-C locations or 3.5 FAR in the DD/C-2-C locations (1706.5).

-- Small to moderate-sized buildings have a reduced retail requirement and are not subject to a housing requirement.

Rationale for Chinatown Zoning Provisions:

-- The Comprehensive Plan calls for continuing and enhancing Chinatown as an important part of the diverse mix of uses and buildings making up the "Living Downtown."

-- As office and mixed-use development enters the Chinatown area, there is the possibility that standard retail and service uses will be located in the ground floor of office buildings. Distinctive Chinatown businesses, other than restaurants, could eventually disappear. Major tenants of new office buildings have a strong role in determining ground floor retail and service tenants and may prefer specialty or premium retail uses plus general service establishments (dry cleaners, deli) over the necessary component of Asian businesses needed to retain a significant concentration of such uses. Requiring at least a minimum amount of Asian businesses will help prevent a "Disneyland Chinatown," i.e., a Chinatown that looks Chinese (in design character) but has only a limited range of Chinese businesses.

-- Zoning cannot require business ownership or management by ethnic origin. The important factor is the type of goods and services provided. These are difficult to specify in a matter-of-right list; accordingly, the OP's Director is involved in reviewing each application. The Director may consult the Chinatown Steering Committee or other knowledgeable people as necessary.

-- The most significant concentration of housing in Chinatown is in Square 485 and Wah Luck House, across the street. These locations are separately protected by rezoning and incentives. This square is within the Historic District and proposed for R-5-D zoning. Other existing housing

should be conserved. The plan calls for Chinatown to be more than a tourist attraction, but a residential and commercial area as well. A Chinese residential presence is important in assuring that a reasonable mix and quantity of Chinese businesses will continue and expand in the area.

Chinatown Planning and Zoning Concepts

1. The ground floors of buildings along the primary shopping and activity streets of Chinatown (H Street plus segments of Seventh and Sixth streets) are required to have one-fourth of the floor space devoted to businesses that sell goods and services of Asian cultural origin.

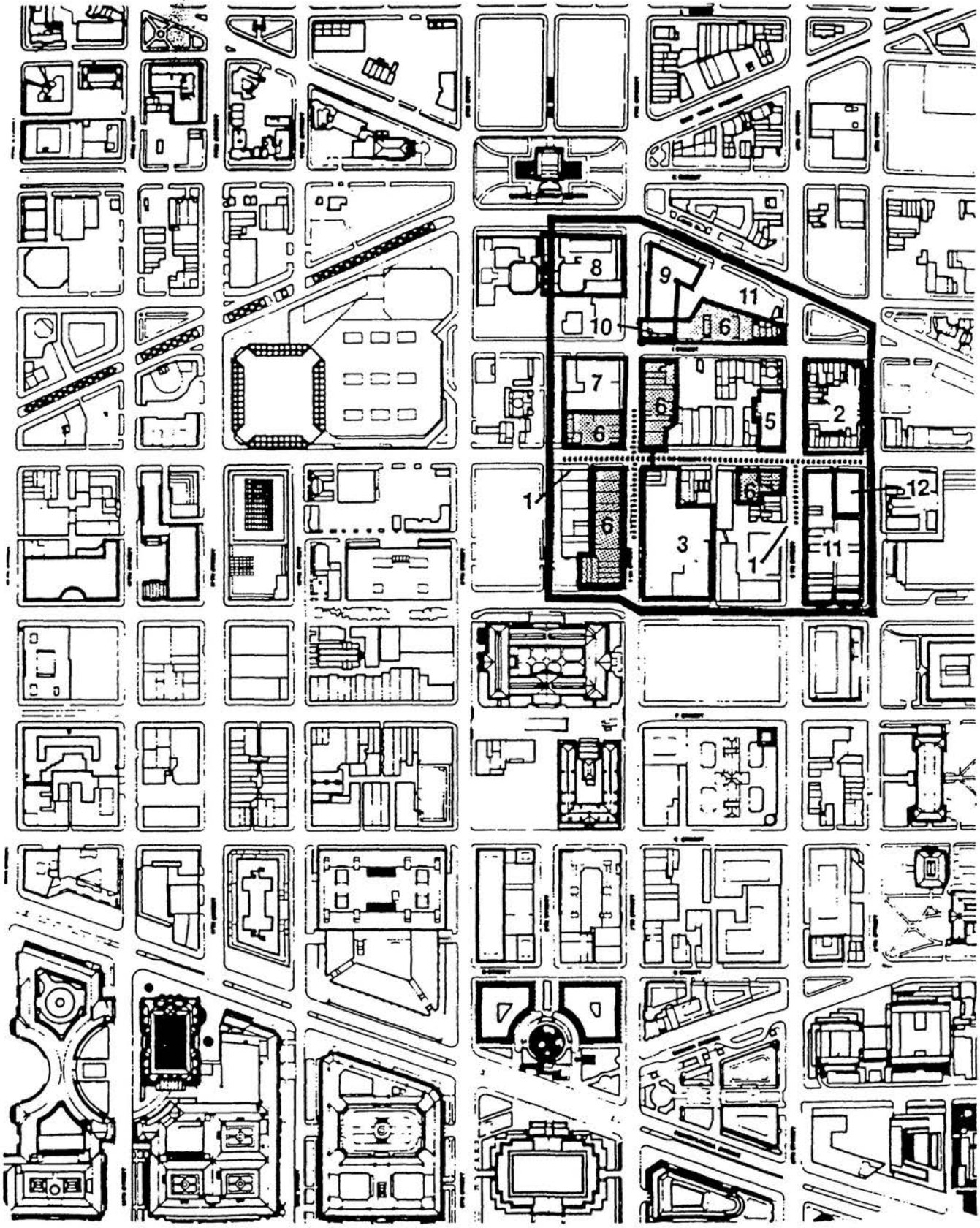
2. Square 485 includes significant medium density housing. This square, together with the Wah Luck House across Sixth Street, comprises the largest concentration of existing housing in Chinatown. Remaining housing elsewhere in Chinatown is primarily in apartment units above commercial establishments. All of Square 485 is also within the Downtown Historic District. The Downtown Development District provides economic incentives for maintaining housing. The H Street frontage is rezoned from SP-2 to C-2-C in order to permit retail use, consistent with the role of H Street as one of the main activity streets of Chinatown. This change is called for in the Downtown Plan. The remainder of Square 485 is rezoned from SP-2 to R-5-D to conserve housing and provide housing maintenance incentives.

3. The developer of the Far East Center, a major office/retail complex with Chinese design features, has reached an agreement with the District to construct 160 housing units off-site in or near Chinatown.

4. Chinatown Archway.

5. Wah Luck House, completed in 1982, provides 153 units of elderly housing, a community room and a Chinese garden.

6. Street frontages in the Downtown Historic District that are to be limited to 6.0 FAR of development, so that, with design review by the D.C. Historic Preservation Board, new construction will be more compatible in scale and character with the historic building fabric. The presently permitted 8.5 FAR is difficult to accommodate in reasonable scale on the indicated shallow frontages with relatively low historic buildings.



Chinatown - Planning and Development Concepts

7. A project at 710-28 Seventh Street, by Development Resources, Inc., will be a major

   office/retail complex incorporating preservation of landmark facades, Chinese design features, a Chinese Courtyard, a Chinese Kiosk at Eighth and I streets, N.W., and arts space. The project is under construction and scheduled to be completed in 1991.

8. Phase II of Techworld Plaza, recently completed. Phase III will fill out the square. The project includes Chinatown streetscape and Chinese gardens.

9. Mediatech Plaza (office/retail/video studios) is scheduled to be completed in early 1990. The building includes Chinatown streetscape and Chinese design features on the first two stories of the building.

10. Marlo Furniture Building where renovation and expansion is planned.

11. Mixed residential-commercial opportunity site. A 3.5 FAR housing component is required and 2:1 office bonus density is provided for constructing housing. Bonus density can be partially used on-site in that an extra 0.5 FAR is permitted with mixed-use development. Primary location of bonus density would be off-site.

12. Existing Downtown Comfort Inn. Phase two of this complex (office) with Chinese design features is proposed.

13. Recent (1989) landmark restoration at 501 G Street.

VI. RESIDENTIAL/MIXED USE

Policies:

-- Encourage new housing and retain existing housing to achieve a sizable housing component needed as part of the balanced mix of uses comprising a "Living Downtown."

-- Create the greatest housing concentration in the Mt. Vernon Square area.

-- Encourage residential and mixed-use development along Massachusetts Avenue.

-- Promote mixed-use development including residential use south of Massachusetts Avenue in the Judiciary Square (north), Chinatown, Mt. Vernon Square, Gallery Place and Market Square subareas.

Zoning Requirements and Incentives:

-- A majority of the zoning map amendments in this case aim to conserve existing housing and encourage new housing mixed-use development. These are primarily from SP-2 to R-5-D and from R-5-D to R-5-B, and are concentrated in the northern part of the area (see proposed zoning map).

-- A residential or mixed-use/residential building is granted an 8.5 or 9.0 total FAR and up to a 130-foot building height as restricted by street width [1701.7, 1706.4(g), 1706.5(f), 1708.2].

-- A 1:1 building setback is required at the 110-foot level for buildings fronting on Massachusetts Avenue or Mr. Vernon Square (1701.7).

-- Housing construction must be in same time frame as any linked commercial development (1706.2).

-- Mt. Vernon Square Housing Priority Area A (north of Massachusetts Avenue):

+ There is a strong residential emphasis, including rezoning from HR/SP-2 and R-5-D to DD/C-2-C.

+ Each building must provide a 4.0 FAR of residential use, on-site or in linkage with other sites.

  Ground level or basement retail is optional; the remainder of building must be residential except for bonus office density earned.

+ Bonus office density is earned on a 1:1 basis for the actual floor area of housing built, or by providing a grocery store, dry cleaner/laundry, drug store, hardware store, variety store or child development center.

+ The bonus office density may be used on-site or off-site anywhere in the DD zone or a receiving zone or site.

+ As an alternative to bonus density, any residential development in excess of the required 4.0 FAR may be linked with a site in Downtown, fulfilling a specified portion of that site's housing requirement [1706.4(f)].

+ If bonus density is built entirely on-site, maximum development is 8.5 FAR -- 4.0 residential, 4.0 office, plus ground level retail.

-- Downtown Housing Area B (south of Massachusetts Avenue):

+ This area includes specified squares in several subareas: Chinatown, Judiciary Square (north of G Street), Gallery Place, Mt. Vernon Square and Market Square.

+ Rezone HR/SP-2 areas to DD/C-2-C. C-3-C and C-4 areas remain. Existing high density apartment buildings are rezoned to R-5-D.

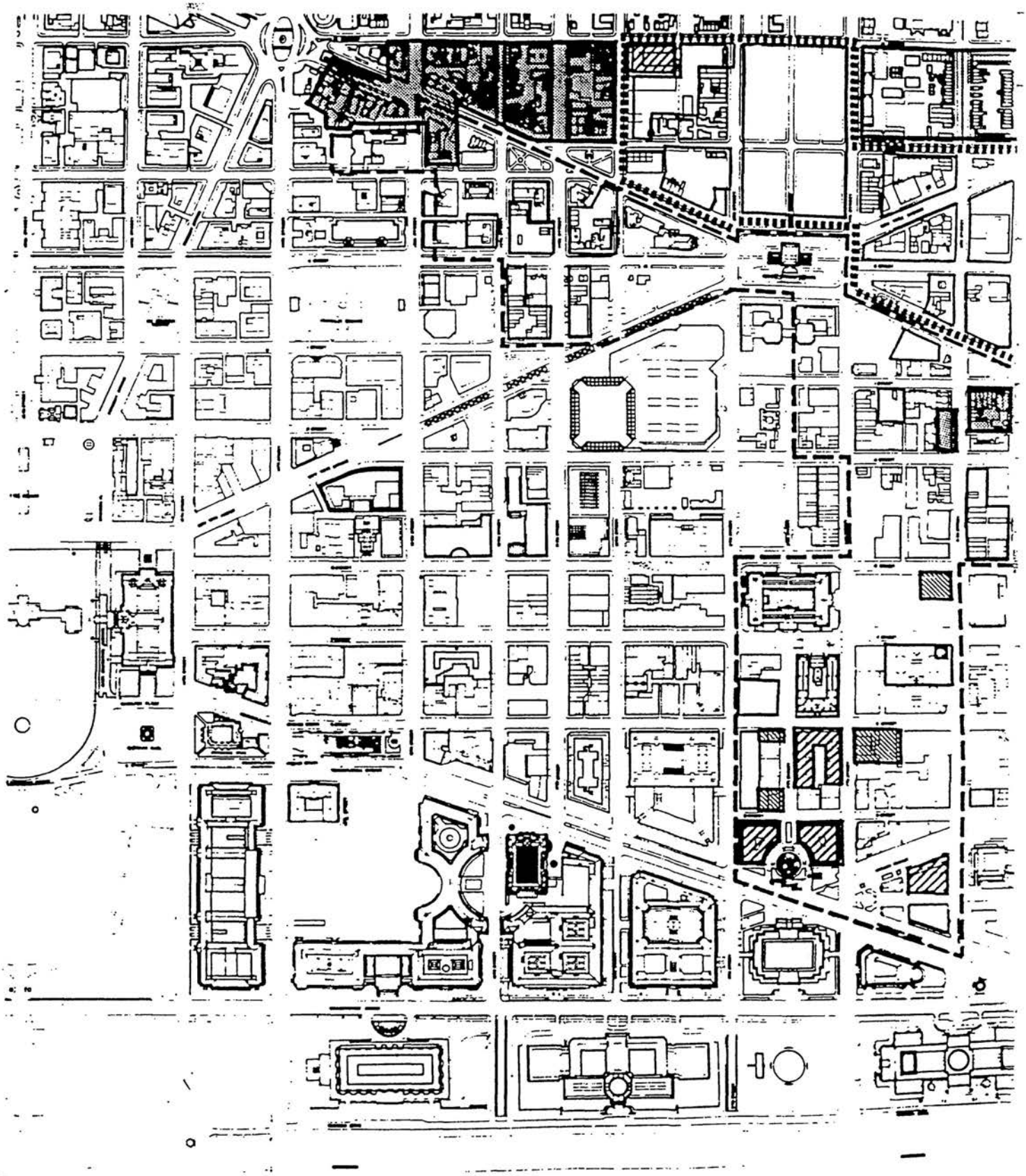
+ In commercial zones each building must provide a specified residential component ranging from 1.5 to 3.5 FAR depending on the zone.

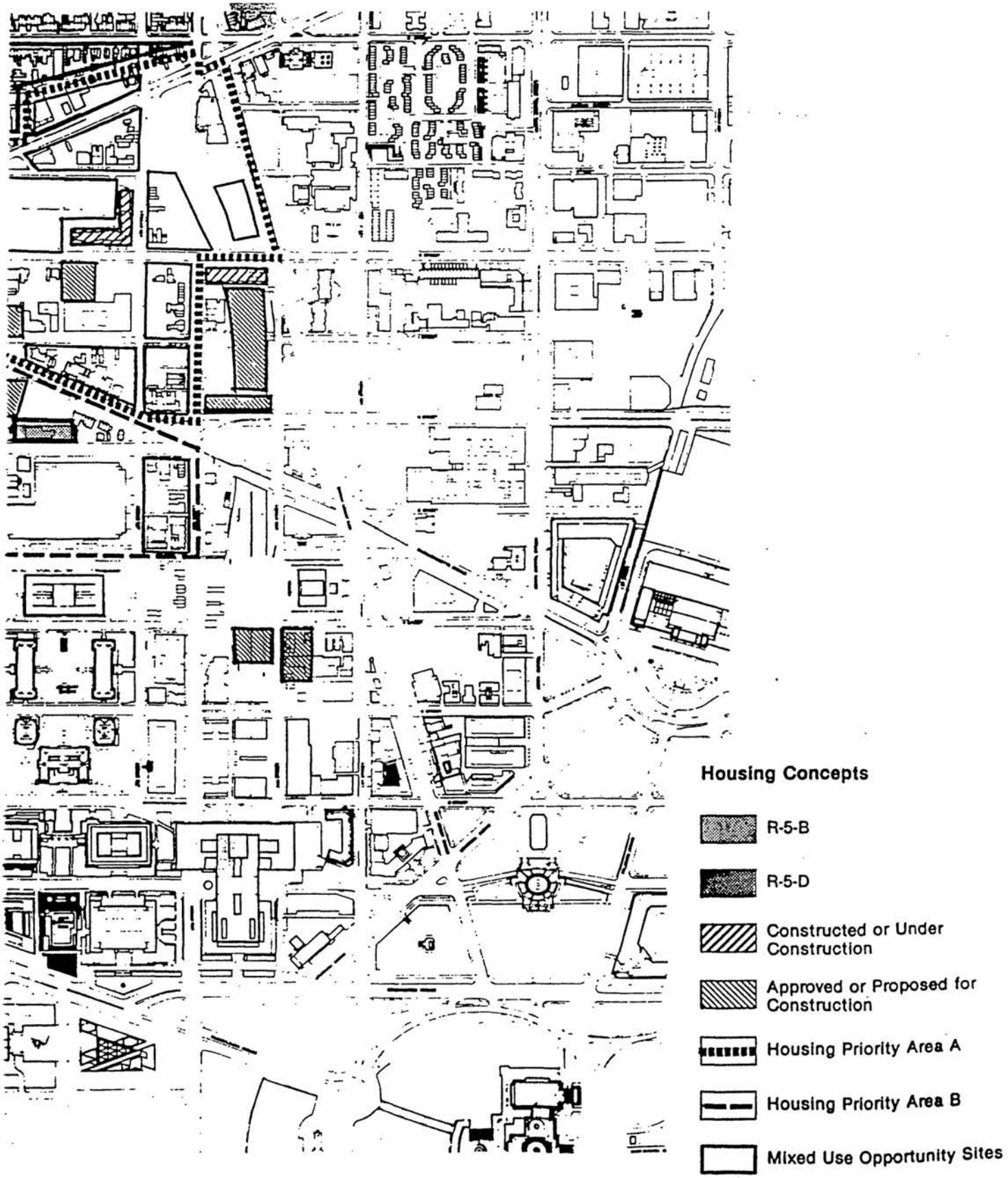
+ Housing may be provided on-site or in linkage with other sites in the Downtown Housing Area. This is matter-of-right, private sector linkage enabling off-site office development to subsidize a residential development. Covenants are required. The form of ownership, transfer payments, appraisals, etc., are left to the private sector in the interest of efficiency and consideration of specific location and value factors as these change over time.

+ Housing linkage, with sites north of Massachusetts Avenue, can meet a specified portion, but not all, of the housing requirement of a site in Downtown.

  Major office density bonus is provided for construction of new housing. A somewhat lesser bonus is granted for rehabilitation of existing housing with a long-term covenant assuring residential use.

+ A portion of the bonus density may be used on-site (in excess of the normal FAR limit), and TDRs are permitted to receiving zones.



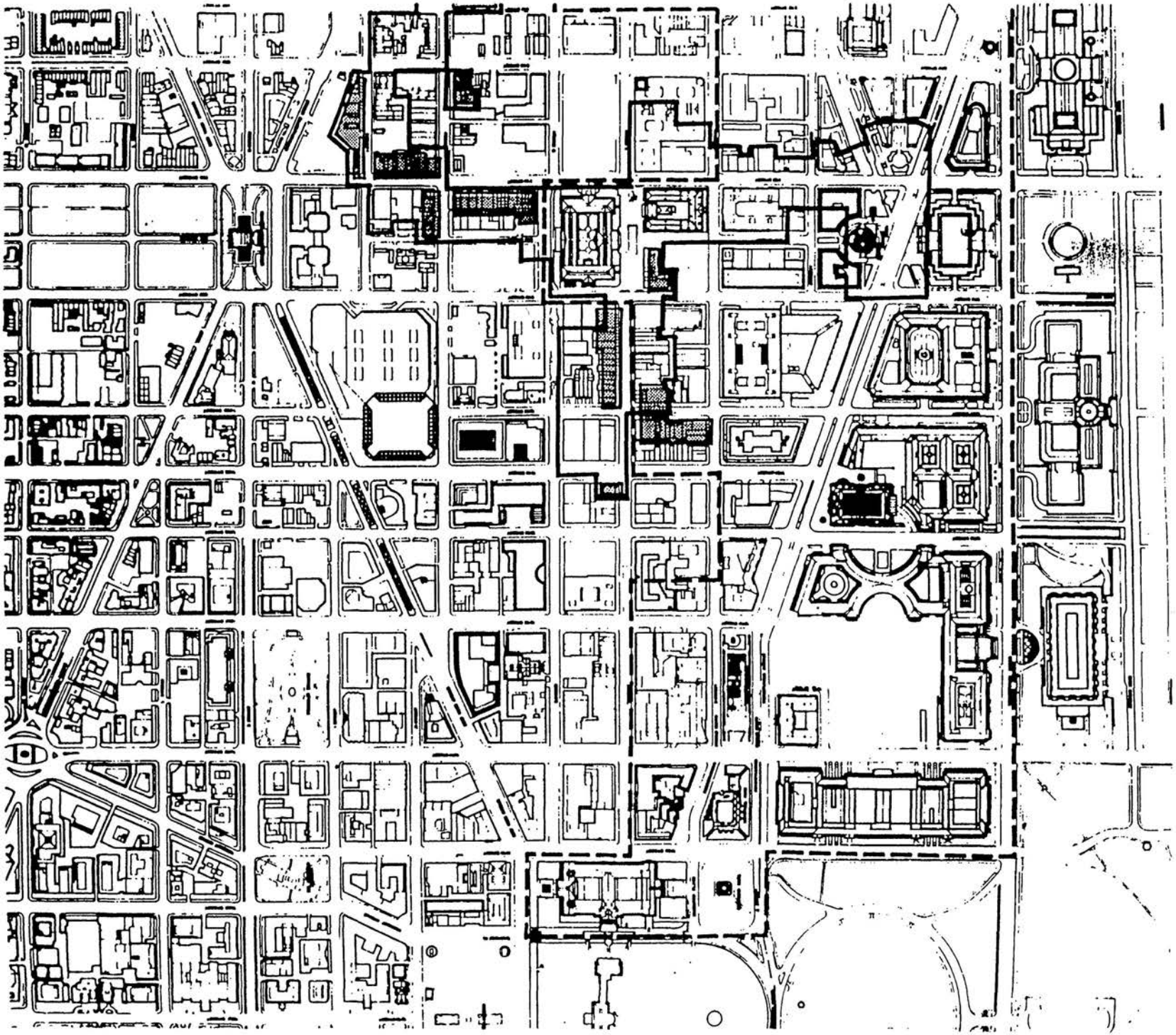

Housing Concepts
R-5-B
R-5-D
Constructed or Under Construction
Approved or Proposed for Construction
Housing Priority Area A
Housing Priority Area B
Mixed Use Opportunity Sites

-- Rezoning is needed: a) to conserve existing housing in some locations (preventing either office conversion or demolition) b) to permit increased building height in some locations to enhance economic feasibility and c) to enact the long-standing land use policies of the Comprehensive Plan into definitive regulations. The latter will end uncertainty and land speculation about the ultimate boundary of office development and help stabilize land values consistent with planning goals.

-- The residential conservation zoning actions include areas proposed to be changed from SP-2 to R-5-D and from R-5-D to R-5-B. The intent is to protect existing housing concentrations from being converted to nonresidential uses or demolished for nonresidential construction. The first source of housing supply in a difficult market is retention of existing stock.

-- The rezoning actions will also frame the outer periphery of Downtown with residential areas and population and contain excessive commercial spread to the north. The Downtown Plan calls for a compact Downtown with diverse activities. The tendency of the market is to extend land assembly and clearance ever northward for future office development. This trend, if unchecked, will create over time a very large office precinct with a depopulated, declining area expanding to the north. The northern boundary of Downtown needs to be stabilized with a combination of conservation zoning where existing housing is viable and high-density mixed use zoning on underused or vacant land to secure new housing in combination with commercial development.

-- The Mt. Vernon Square/Lower Shaw area has the greatest housing emphasis because of: a) plan policies; b) relatively lower land costs due to long-standing residential-emphasized zoning and planning policies and due to a location removed from the heart of Downtown across Massachusetts Avenue, a major barrier street; c) the presence of established residential areas in some locations and construction of new, subsidized housing in recent years, creating a framework for a residential environment and support services; and d) large land parcels available for development. Key neighborhood retail anchor uses are granted office density bonuses. This bonus and the office density bonus for providing residential development may be transferred south of Massachusetts Avenue or to any receiving zone or site,



where the office space will have a higher market value and greater subsidy benefit. Limiting commercial use to the ground floor or basement of a building in this area means that a development that is not linked to other sites will be a predominantly residential building without the complications of multiple elevator cores and security for separate commercial floors. Additional bonus density can, of course, be earned by constructing more than the required amount of housing.

-- In Downtown south of Massachusetts Avenue a larger component of commercial development is permitted, together with a residential component. Linkage is critical in permitting one or more office developments to subsidize residential development and in permitting an efficient and functional horizontal allocation of residential and commercial components among sites. This avoids the problems of "sandwich" buildings that have multiple commercial floors plus residential floors on top. A major, transferable density bonus is provided for housing development. To help accommodate this, additional matter-of-right density is permitted (that level of density would not be appropriate north of Massachusetts Avenue). Equally or more important, expanded possibilities for receiving sites are provided in the TDR provisions. The bonus density provided will be quite lucrative if the bonus office density can be built in a premium greater Downtown location.

The Target for Residential Units:

The report of the Mayor's Downtown Committee in 1982 stressed obtaining housing in Downtown to help achieve activity in the evening and on weekends and to create a permanent Downtown community. The committee addressed the Downtown area as then defined, extending from Pennsylvania Avenue north to M Street and from North Capitol Street and Third Street on the east to 15th Street on the west. The Downtown Development District extends north to M Street and includes all the areas indicated for housing in the Downtown Plan.

Downtown housing in 1980 totaled 4,080 units, mostly in old and some relatively new apartment buildings along Massachusetts Avenue. Other housing units were scattered through other areas of Downtown, including Chinatown and the "row house area" north of New York Avenue and east of Seventh Street.

The committee's report assumed that 3,070 of the units existing in 1980 would remain by the year 2000 and that many of them would undergo some rehabilitation in that period. Thus, the assumption was approximately 1,000 units, mostly in older small buildings, would be lost over the 1980-2000 period.

The Mayor's Downtown Committee set a target of 9,340 new units by the year 2000, or a total of 12,410 units. Reaching this target would mean that Downtown of the future would have a population about the size of Dupont Circle. The location of housing is also important. The Downtown Plan calls for housing to extend north from Pennsylvania Avenue through Gallery Place and Chinatown, with a major concentration north of Massachusetts Avenue. Of the 9,340 new units, 4,095 units were proposed to be south of Massachusetts Avenue and 5,245 were to be north of Massachusetts Avenue.

In 1988, the Mayor's Committee on Downtown Housing reviewed the target numbers and found that they were still feasible. The committee's 1988 report indicated that a variety of measures, including zoning, would be necessary to reach the residential target. However, they advised that more units would have to be shifted north of Massachusetts Avenue.

A total of 889 residential units have been completed since 1980. Another 745 units are under construction, all in the Pennsylvania Avenue area and 1,756 units are now proposed. The total of completed, under construction and proposed housing is 3,390 units. Assuming that all these units are completed, an additional 5,950 units will be necessary to reach the target of 9,340 new units.

Calculating the housing that will be achieved as a result of the DD District is not an exact science because various combinations of bonuses, TDRs and combined lot development are possible.

The Office of Planning has taken the simplest approach to calculating housing units, applying the required FARs to major development. Apartment units were derived based on an average of 900 gross square feet per unit, primarily vacant and underused sites. Additional assumptions were made about several urban renewal and public development sites. Based on these calculations, pursuant to DD requirements, approximately 6,200 units would be

obtained. This is about 250 units over the 5,950 units necessary to reach the target. A larger portion of the housing units are provided north of Massachusetts Avenue rather than south, compared to previous projection. This is a close margin and requires full development of all potential sites. It does indicate that the residential targets can be achieved. Finally, the residential conservation zoning actions involved in this case will greatly help the retention of existing housing.

VII. HISTORIC PRESERVATION

Policies:

-- preserve the unique character and fabric of historic buildings, the Downtown Historic District and the Pennsylvania Avenue National Historic Site;

-- encourage restoration and adaptive reuse of historic landmarks and adaptive reuse of contributing buildings in historic districts, together with compatible alterations and compatible new construction;

-- restrict permitted building bulk on critical historic frontages and lots with historic buildings to encourage preservation of historic buildings and assure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation;

-- permit flexibility as to building height, rear yard and court requirements to allow maximum design flexibility for the massing and sculpting of the restricted building mass in relationship to the scale and character of affected

historic buildings on the lot and nearby subject to the exterior design review and controls exercised by the Historic Preservation Review Board;

-- provide appropriate economic incentives to encourage preservation, including suitable on-site density and transferable development rights; and,

-- encourage occupancy of historic buildings by active uses such as arts, cultural, entertainment, retail and small business uses, in keeping with the potential of historic buildings to make multiple contributions to the character of a "Living Downtown."

Zoning Requirements and Incentives:

-- Preferred uses and bonus uses of the applicable Downtown subarea apply to historic buildings and preservation/development projects (1707.3).

-- Small buildings of six floors or less have reduced requirements for preferred uses. A larger preservation-new development project is subject to the normal use requirements of the SHOP, Arts District, Chinatown and residential-mixed use provisions.

-- Certain critical historic frontages are restricted to a reduced density of 6.0 FAR in the interest of historic scale and character and reduced demolition pressures on historic buildings (1707.4).

-- A preserved historic building or a preservation/development project constructed at less than full density earns multiple TDRs in the interest of financially supporting historic preservation and reduced building scale on-site (1707.5).

-- Maximum flexibility is permitted as of right regarding yard and court requirements and building height (1707.6). The Historic Preservation Review Board exercises design review over all affected development projects.

Rationale for Historic Preservation Zoning Provisions:

-- The policies are adopted from the Comprehensive Plan and historic preservation laws and policies.

-- Washington has a concentration of historic buildings in the Gallery Place, Chinatown, Market Square and part of the Retail Core. These zoning requirements will assist in maintaining this special concentration.

-- Uses are and should be regulated separately from the building preservation and scale of development. Historic buildings, additions and infill buildings will undergo design review by the Historic Preservation Review Board. But the uses (and to a degree the buildings' character) will be different according to the subarea -- Retail Core, Arts District, Chinatown, or residential.

achieve a Downtown that will become known as attractive, interesting and educational to visit, live and work -- a "Living Downtown."

The Office of Planning and the Zoning Commission have successfully completed phase one of this important rezoning of Downtown, in the adoption of the Downtown Shopping District, "SHOP," on 1989. The map amendments and the Downtown Development Overlay District proposed in this report would complete the task of rezoning Downtown for a successful future. The public hearings on this critical case begin on February 22, 1990.

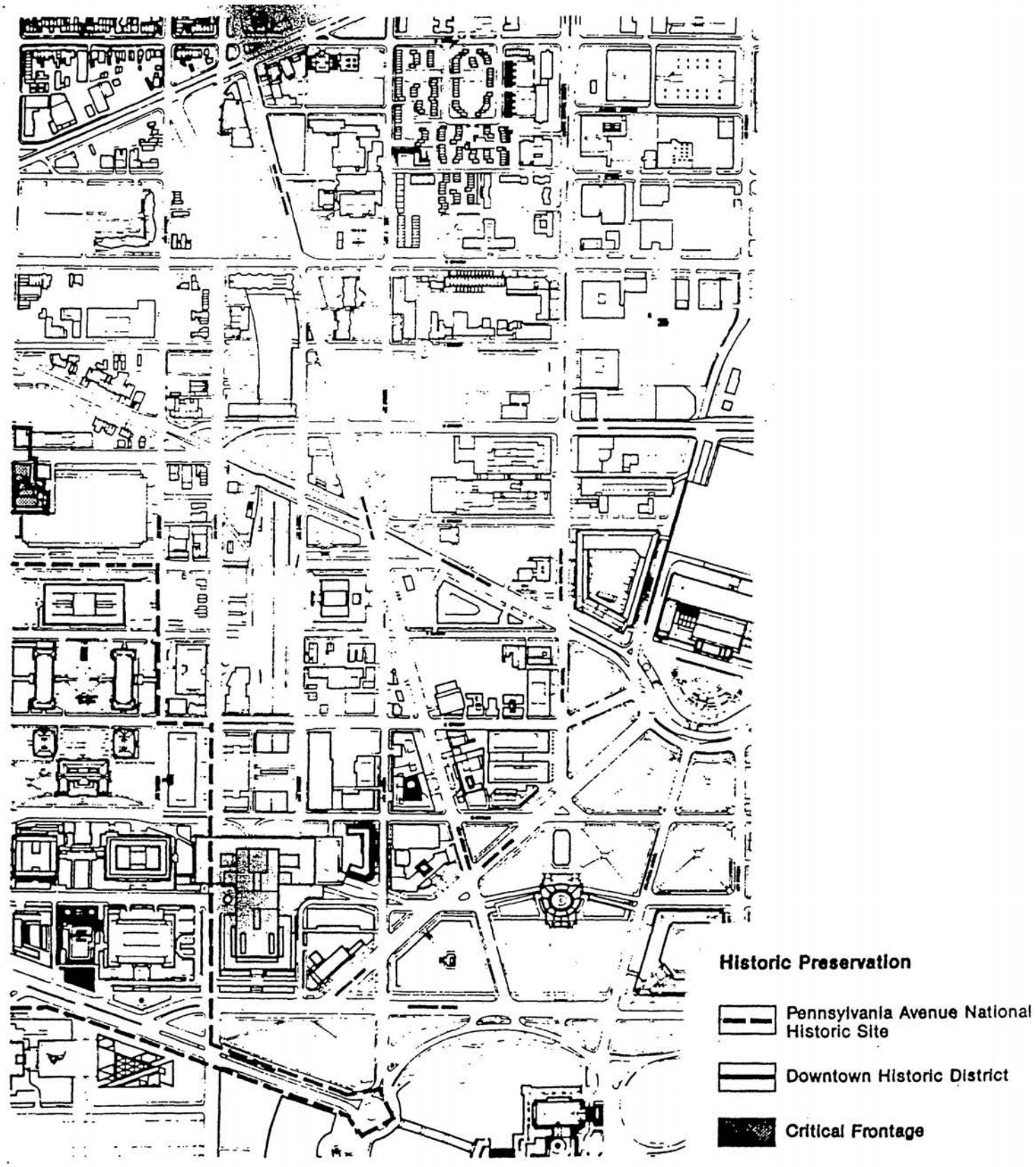

Historic Preservation
Pennsylvania Avenue National Historic Site
Downtown Historic District
Critical Frontage

EXHIBIT 41

FROM

CASE 16603

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE