

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: ~~JLS~~ Ellen McCarthy
Director

DATE: November 21, 2005

SUBJECT: Zoning Commission Case Number 02-51A/01-04M/98-12M/88-32C - Supplement

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV 23 PM 1:31

Prior to the public hearing on this application scheduled for September 29, 2005, the Zoning Commission dealt with several preliminary matters including:

- A request for party status from the University of California, developers and occupants of building on the adjacent lot 83 (1608 Rhode Island Avenue, N.W.) which is the other property within the boundaries of this Planned Unit Development (PUD);
- Requests from both the University and Advisory Neighborhood Commission (ANC) 2B to postpone the public hearing; and
- A Commission determination that the public record in this case was incomplete because the requirements under § 2408.10 (b) of the Zoning Regulations had not been addressed.

After receiving comments from representatives of the applicant, the University and the ANC, the consensus of the Commission was to:

- Grant party-status to the University of California;
- Express interest in viewing architectural plans approved for the Lots 82 and 83 with Zoning Commission Order No. 638-F;
- Solicit comments for the representatives about the referenced zoning requirement; and
- Reschedule the public hearing to December 1, 2005.

The applicant subsequently continued dialogue with the University and ANC, and filed a supplement to the Pre-hearing Statement dated November 17, 2005.

Architecture to Complement the University of California Building

Representatives explained to the Commission that the University was not interested in delaying the zoning process or keeping the existing property vacant. The request for party status was prompted by proposed architectural plans that would erect the 10-story office building on Lot 82 entirely adjacent to the shared property boundary with Lot 83 without a setback beginning at the 4th floor level. This setback was requested to "complement" the existing open court on the

02-51A
32

4th floor of the University building.

Current Order No. 638-F allows an 11-story extended-stay inn with approximately 121,000 square feet and a 7.9 FAR on Lot 82, and the existing 11-story University of California building with approximately 147,000 square feet and 8.5 FAR on the adjacent Lot 83. It was indicated that preliminary architectural plans for the inn approved with this Order included a similar open court along the shared boundary.

Representatives of Rhode Island Associates Limited Partnership, the applicant, informed the Office of Planning that subsequent negotiations resulted in an agreement to modify proposed office building plans to provide a 5-foot setback along the shared boundary above the 4th floor level. The applicant also indicated this change satisfied the University's concern.

Valuation of Proposed Benefits and Amenities

The ANC representative explained that the Commission had insufficient information prior to the public hearing upon which to base a decision whether benefits and amenities associated with the proposed modification are sufficient. The applicant's representative indicated to OP in conversation that further communication have not resolved the ANC's concerns. If fact ANC 2B requested denial of the requested PUD extension and modification in a letter addressed to Commission Chair Carol Mitten and dated November 17, 2004.

Requirements of § 2408.10

PUD extensions are subject to the following standards under the regulations:

“2408.10 The Zoning Commission may extend the periods set forth in §§2408.8 and 2408.9 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; Provided that the Zoning Commission determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) *There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission's justification for approving the original PUD;* and
- (c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in §2408.11.

2408.11 For purposes of 2408.10 (c), an extension of the validity of a planned unit development may be granted by the Zoning Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) *An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;*

- (b) An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order."

The applicant's supplemental document includes the following information:

- With regards to § 2408.10 (c), the applicant states the "original" approval in this case is Zoning Commission Order No. 638-F that bifurcated the site in 1998. The documents notes that the Commission reviewed and approved two extension requests in 2001 and 2003 "... and found no change of material facts" and "... both the Comprehensive Plan designation and zoning designation for the site have remained the same since the Commission's 1998 PUD modification approval."

The Office of Planning concurs because the very nature of the original PUD changed with the 1998 approval. The new Order accommodated two lots and 2 buildings instead of a building on a single lot, increased the proposed housing component from approximately 54,000 to 100,000 square feet, eliminated planned ground floor retail, and reintroduced the inn use that previously occupied the site. *All PUD modification requests since this approval and the construction of the University building have only involved the remaining portion of the 1998 plan, Lot 82.*

- With regards to § 2408.11 (a), OP finds that additional transient accommodations continue to be planned and constructed in Ward 2 and in the District although even today the goal in the Comprehensive Plan for 21,589 rooms in the Ward by year 2000 has not been met (refer to Exhibit 1). Even in this market, and despite specific efforts recounted by the applicant in Exhibit 3 of the OP Final Report on this application, subject Lot 82 continues to be characterized as a marginal site particularly with two other transient locations in the immediate vicinity. The applicant also noted that a number of recent hotel projects received some form of public subsidy such as tax increment financing which is not an option for this site.

Time and again, the response to suggestions about hotel development from potential investors is that the site is more appropriate for a principal office use. The size, irregular shape and location of Lot 82 also make it unsuitable for residential development.

The applicant therefore concluded that office development is more appropriate use for the subject property given its limitation, location and the results of past marketing efforts.

While OP would prefer additional accommodations to expand the supply of Downtown hotel rooms, a number of new hotel projects planned in the Ward as well as an increasing number of rooms other areas of the District help address the overall need. OP also believes that it is now

appropriate to designate the property for a suitable permanent land use that will be developed in the near future.

RECOMMENDATION

The Office of Planning continues to recommend approval of the requested extension and modification with acceptance of the proposed amenities package inclusive of the following conditions:

- That non-profit organization selected as recipient of \$100,000 affordable housing contribution is a housing trust fund as defined under Section 2499 of the Zoning Regulations; and
- That the public record for this case include documentation that payment of the affordable housing contribution was issued and received by the selected organization, or the D.C. Housing Trust Fund, prior to the issuance of any Building Permits.

All environmentally sensitive measures proposed for the building including a green roof consistent with Leadership in Energy and Environmental Design (LEED) standards should also be detailed prior to proposed action by the Zoning Commission.

Attachments: Exhibit 1 Transient Accommodations in Ward 2 and the District

EMc/afj

Transient Accommodations in Ward 2 and the District

EXISTING TRANSIENT ACCOMMODATIONS *

Year	Number of Existing Hotels, Motel & Inns		Total Rooms		
	Ward	Districtwide	Ward	Districtwide	%
1980	unknown	32	10,550	13,000	81
1997	70 (estimated)	88	19,400	22,900	85
2000	(goal) **	--	21,550	26,000	83
2005	74 (estimated)	102	21,000	27,000	78

NEW TRANSIENT ACCOMMODATIONS *

No	Property	Address	Hotel		Opened	Room Count	
			New	Existing Accommodation		Previous	New/Planned
OPENED SINCE SEPTEMBER 2001							
1	Hotel Topaz	1733 N. St. NW		former Canterbury Hotel	Oct-01	99	99
2	Hotel Rouge	1315 16th Street NW		formerly Quality Inn	Jan-02	135	135
3	Hotel Sofitel	806 15th St NW	X		Jun-02		237
4	Hotel Monaco	700 F St NW	X		Jun-02		184
5	One Washington Circle	1 Washington Circle NW		major renovation	Jun-02	151	151
6	Hotel Madera	1310 New Hampshire Ave NW		former Clarion Hampshire	Oct-02	82	82
7	Hotel Helix	1430 Rhode Island Ave NW		former Howard Johnson Plaza	Nov-02	186	186
8	Mandarin Oriental	1330 Maryland Ave SW	X		Mar-03		400
9	Ritz Carlton Georgetown	3100 South St NW	X		Apr-03		87
10	Madison Hotel	1177 15th St NW		major renovation	Aug-03	353	353
11	Comfort Inn	1201 13th St NW	X		Nov-03		100
12	Best Western Capitol Skyline	10 I St SW		major renovation	Nov-03	203	203
13	Residence Inn Capitol	333 E. St. SW	X		Jan-05		233
14	Hampton Inn	901 6th Street NW	X		Recent		230
CURRENTLY UNDER CONSTRUCTION							
15	Embassy Suites Convention Center Hotel				2nd Quarter 05		383
16	Courtyard by Marriott				2006		200
PLANNED PROJECTS							
17	Marriott Headquarters Hotel		X		2008		1500
18	Michael Minkoff Partnership		X	former Yale Laundry Building	UNK		460
19	12th & K Streets, NW		X	former Thrifty Car Rental site	UNK		220
20	Old Post Office Pavilion	1100 Pennsylvania Av NW	X	GSA renovation	UNK		220
21	Trammell Crow and CSG	201 Florida Avenue, NE	X	mixed use development (Trammel Crowe)	UNK		174
22	Burham Place at Union Station	100 Columbus Circle, NW	X	mixed use development over tracks	UNK		UNK
OVERALL TOTAL							5,837

NOTES: * Information provided by Hotel Association of Washington, D.C.

** Section 1331 of the Comprehensive Plan indicates Ward 2 accounted for 70 of 88 hotels and 19,439 of 22,902 rooms in 1997

*** The stated target in the Comprehensive Plan was an increase in Ward 2 of 11,000 rooms to 21,589 by 2000

**** Listed in previous OP report

DCOP: September 29, 2005