

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

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D.C. OFFICE OF ZONING
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MEMORANDUM

TO: D C Zoning Commission

FROM: *AS for*
Ellen McCarthy
Director

DATE: October 13, 2005

SUBJECT: Final Report on Zoning Commission Case No 05-12, a Proposal to Amend the Zoning Regulations to Allow Expansion of an Existing Hostel Use located at 1009 11th Street, N W (Square 342 Lot 810)

APPLICATION

Hostelling International USA and The Potomac Area Council of American Youth Hostels, Inc., the petitioners, request Zoning Commission approval of text amendments to the District of Columbia Municipal Regulations (DCMR), Zoning, to allow expansion of the existing hostel use at the referenced location within a Major Business and Employment Centers (C-3-B) zone district and the Downtown Development (DD) overlay zone district.

RECOMMENDATION

The Office of Planning recommends Zoning Commission approval of the text amendments as advertised with the following slight modification (shown underlined) to clarify that the exemption from the DD overlay zone district residential land use requirement only applies to the equivalent portion of the lot of record that succeeds the subject tax parcel.

1706.20 The hostel existing as of (THE EFFECTIVE DATE OF THIS AMENDMENT) on the land area currently comprising Lot 810 in Square 342 may be expanded or rebuilt to the maximum permitted density of 9.5 FAR, and the housing requirement specified in § 1706.5 (b) shall not apply to such expansion or rebuilding for so long as the hostel use continues.

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CASE NO. 05-12
EXHIBIT NO. 13

BACKGROUND

During its meeting on April 11, 2005 to consider scheduling this request for a public hearing, the Zoning Commission declined to undertake the text amendments as originally proposed. Since the focus is limited to the existing hostel use, the Commission instead authorized a public hearing to consider alternative language crafted by the Office of the Attorney General (OAG) to amend the Downtown Development (DD) overlay zone district provisions of the Zoning Regulations

Following the meeting, the applicant explained their concern that the current "Inn" definition under § 199 of the regulations would prevent guests from preparing their meals in a central kitchen and eating in a central dining area, a common practice at hostels. Further communications between the OAG, OP and the applicant resulted in an additional proposed change to the "Inn" definition.

The applicant noted agreement with both text amendments in their Pre-hearing Submission dated August 3, 2005. The following amendments were subsequently advertised for public hearing in the *D.C. Register* at 52 DCR 8193 on August 26, 2005 (proposed changes shown in bold and italics)

199 Inn - a building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guestrooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house or apartment house. ***For the purposes of this definition, the limitation on central dining does not prohibit an Inn from allowing guests to prepare their meals at centrally located cooking facilities and to eat such meals in a central dining area. ...***

1706.20 The hostel existing as of (THE EFFECTIVE DATE OF THIS AMENDMENT) at Lot 810 in Square 342 may be expanded or rebuilt to the maximum permitted density of 9.5 FAR, and the housing requirement specified in § 1706.5 (b) shall not apply to such expansion or rebuilding for so long as the hostel use continues.

Site and Area Description

The subject property is 0.11 acre (5,043 square feet) in area and located northeast of the L Street intersection the 11th Street, N W. The current hostel use first occupied the existing eight-story building in 1987. This is one of two hostel facilities listed in the Washington, D C area by the 2004 Bakpak Travelers Guide, USA & Canada, Hostels & Travel Guide. The other hostel is the Washington International Student Center located on 18th Street, N W.

Development surrounding this location consists of a vacant four-story building abutting the site to the south adjacent to the referenced intersection. Four office buildings ranging from two-to-eight stories in height (one with ground floor retail space) share the majority of the square. New residential construction is also underway on a former parking lot immediately north of the site. Further south across K Street, an Embassy Suites Hotel is under construction, and excavation is underway for a new 300,000 square foot office building to the west across 11th Street.

The southern portion of this square (including the subject property), properties to the south, and directly east and west are in DD/C-3-C zone districts. Properties to the north are within DD/

Community Business Center Districts (C-2-B) zone districts (refer to Exhibits 1 and 2). The site is also three squares away from Mount Vernon Square, four blocks from the new D C Convention Center, and within a half-mile of the entrance to the Mount Vernon Square -7th Street-Convention Center underground rail station of the Washington Metropolitan Area Transit Authority (WMATA)

The Petition

According to the Pre-hearing Submission and Statement in Support of Text Amendments dated August 3 and January 25, 2005, respectively, the purpose of the amendments is “. to enable the only Hostelling International Youth Hostel in Washington, D C. to expand or be rebuilt to the full density on its existing site in Downtown ” The existing facility currently can accommodate only 250 beds, and the Applicant wants the ability to expand to the maximum floor area ratio (FAR) allowed in the DD/C-3-C zone district of 9.5 without meeting the residential requirement

Note that proposed text amendments would not have exempted the subject property from other applicable Zoning Regulations, such as on-site parking and loading requirements, and that no new construction is currently proposed on this site

Hostel Land Use

Hostels are membership establishments utilized by individual travelers and organized groups such as the Girl Scouts. Facilities include self-service kitchens or on-site meal services, separate male and female shower and restroom facilities, living or common areas, and dormitory sleeping arrangements. Individual rooms usually accommodate between 4-12 beds in a “bunk” configuration for a modest rate.

The existing hostel plays a unique role among transient accommodations in the District, particularly in the Downtown. As explained by John Canon, Assistant Director of Hostel Development for Hostelling International (HI-USA) in a letter dated October 12, 2005, (refer to Exhibit 3) this hostel attracts individuals, families and groups primarily for three reasons

- The Unique Experience. “They want the communal, interactive, cooperative experience offered by the hostel, where one can meet and make lasting friendships with people from all over the world ”
- Location. The convenient Downtown location allows “ the hosteller to experience the city on foot. This is cheaper and far more interesting for the hostel traveler (and) Group leaders very strongly prefer not to have to herd children onto public transportation” to tour the Nation’s Capital.

The hostel’s bunk beds, self-service kitchens and communal eating areas are very efficient such that “. the space occupied by a \$200 per night hotel room in (Downtown) house(s) six hostellers for \$180.” This feature is particularly attractive to visiting groups. Although a guest survey revealed that the primary hostel users are men and women aged 18-25 of years, the letter states “ .. people of all ages stay at the hostel ”

This hostel addresses the needs of a very significant but underserved segment of District visitors - those in need of low-cost and/or group accommodations. Mr. Canon mentioned in conversation that group leaders find it easier to maintain discipline and decorum in natural group settings than to monitor their charges in multiple separate hotel rooms. The letter notes, "There are very few low cost accommodations in downtown Washington, DC. Without this hostel, most of our guests would have to stay at suburban locations in order to afford a visit to Washington, DC. The hostel affords them the opportunity to experience D C in the heart of downtown, within minutes of the Mall. This is just good hospitality."

Furthermore "the hostel contributes greatly to... the creation of a living downtown, with activity well beyond business hours." An ever changing group of young people from all over the world reside at this location, a group characterized as "...very active and curious, and usually out in the evening as well as during the day." Besides international and domestic travelers, the hostel has hosted "...intern(s) on Capitol Hill, in government agencies, and in other areas... students who come to D.C. to make college visits while in high school... people new to the area who need short term accommodations while they search for a place to live" and many others needing "an inexpensive place to stay" for a few days or several weeks.

Beyond these considerations, and because "the current facility has reached the end of its useful life and it does not adequately meet the needs of the organization," Hostelling International USA believes it would be better to raze the existing building and rebuild to address the following inadequacies:

- Inability to meet overnight demand from groups during peak seasons,
- Inability to meet special requirements of many groups for separate meeting spaces and common recreation space;
- Insufficient self service kitchens (at least two are needed), and
- Insufficient variety of sleeping room sizes and types particularly for group visitors

More food preparation, eating and recreation common spaces are important for other reasons. As the letter explains, "Promotion of the interaction of travelers is very important... it is also important to create environments where guests are comfortable and interactions are harmonious." A new building would include a "... variety of distinct spaces for different uses... (to) better achieve the type of interaction we seek."

Hostelling International USA recently revised its Quality Standards governing bathrooms, kitchens, common spaces, as well as other aspects of hostel operation. The letter concludes, "The current facility does not allow us to fully meet (the new) standards."

Current Zoning Status

The existing hostel occupies the subject property under a Certificate of Occupancy (CO) issued in 1987 for a rooming house. In 1989, the Zoning Commission adopted Order No. 614 (Transient Accommodations) excluding hostels from the definition of a rooming house and including this use in the definition of the inn use. Previously the applicant indicated these changes render the current use nonconforming. The OAG and OP agreed a hostel use is still

permitted as a matter-of-right in the underlying C-3-C zone district (per Sections 721.1 [a], 741.1 [a], and 701.6 [h]). What is required is a new CO correctly identifying the existing hostel use in the building

However, per Section 1706.5 (b) of the Downtown Development overlay zone district regulations (adopted in Order No. 681 by the Commission in 1991), the existing hostel (commercial) use would be nonconforming because 3.5 FAR of *residential* uses are not provided on- or off-site as required by the DD overlay zone district (refer to Exhibit 4). Without pursuing combined lot development, the maximum future non-residential development potential FAR on this site is 6.0 (per Sections 1706.5 [a] and [b]). Providing the required residential uses onsite would conflict with the stated organization goals, and constructing the same offsite could impact the very affordability that makes the hostel an attractive place to stay. Establishing a Planned Unit Development on the site is not an option because the subject property does not have the minimum area of 15,000 square feet per Section 2401.1 (c). Hence the applicant submitted the subject petition proposing a number of modifications to the Zoning Regulations.

As noted in the set-down report, OP concurs with the applicant's contention that the cost of assembling land limits the potential construction of a similar facility elsewhere in the Downtown. *However, the applicant mentioned in conversation the possibility of combining the subject property with adjacent properties on Square 342 and incorporating a larger hostel use as part of a mixed-use development.*

As noted above, the Zoning Commission decided to limit the scope of the text amendments to the "Inn" definition and DD provisions of the Zoning Regulations.

ANALYSIS

As explained in Chapter 17 of the Zoning Regulations, the Downtown Development overlay district was adopted "to help accomplish the land use and development policies of the Comprehensive Plan relating the affected Downtown sectors." One important general purpose of this regulation is:

- "(a) To create a balance mixture of uses by means of incentives and requirements for critically important land uses identified in the Comprehensive Plan, including retail, hotel, *residential*, entertainment and cultural uses. . ."

Section 1706 provided an *incentive* of up to 9.5 FAR of mixed use development subject to the provision of 3.5 FAR of residential uses on or off-site to support the "Living Downtown." The petitioner would like the additional allowable floor area without the residential use requirement.

OP's review of this proposal considered whether it is generally consistent with intent of the Zoning Regulations and with the Comprehensive Plan. This proposal would allow the existing transient accommodation, the only one of its type in the Downtown, to expand to an extent originally intended to encourage more Downtown residential uses. The further explanation provided by the applicant confirms the uniqueness of this transient housing opportunity tailored for individual members and groups traveling to the District from across the U.S. and around the

world The D C Hotel Association also acknowledged that there is a significant need for this type of facility in light of the dearth of low-cost tourist accommodations in the District in general, and the Downtown in particular.

Therefore, with respect to the proposed change to “inn” definition under Section 199, OP agrees text amendment would benefit the regulations by clarifying that activities normally associated with this unique use are allowed.

COMPREHENSIVE PLAN

The Generalized Land Use Map of the Comprehensive Plan designates the square for a mixture of High Density Commercial, the business and retail heart of the District with a mix of employment, retail, office, cultural and entertainment centers, and High Density Residential characterized by high-rise apartment buildings as predominant uses.

Section 101 of the Comprehensive Plan includes the following major theme.

“101.1 In the process of developing the District elements of the Comprehensive Plan (‘The Plan’) the following ten (10) major themes were discerned:

(c) Developing a living downtown ”

Section 104 of the Plan explains the importance of this theme:

“104 1 The Mayor’s Downtown Committee worked for over a year to develop policies to strengthen Downtown as the region’s retail and cultural center, to re-establish a residential community in the heart of the District, to increase the number of *hotels* for business and *tourism* alike, to increase the number of jobs for District residents, and to promote easy access to Downtown from outlying parts of the District and region The product of that work is the Downtown Element ”

The reference to *hotels* and *tourism* appears inclusive of transient accommodations such as inns and therefore hostels based on the referenced definition in the Zoning Regulations In this light, the Downtown Element identifies the following specific objectives for hotel (inn and hostel) land uses in the Heart of the District

“904 1 The Downtown hotel land use objective is *to obtain a substantial increase in the number of hotels and hotel rooms* in Downtown

904 2 The policies established in support of the Downtown hotel land use objective are as follows:

- (a) *Encourage and give priority to clustering of hotels and convention center related uses around the new Convention Center at Mount Vernon Square,*
- (b) *Facilitate development of hotels elsewhere in Downtown, with emphasis on the Gallery Place area, along Pennsylvania Avenue, N W , along and near*

- Massachusetts Avenue, N W , in the hotel-residential incentive zone, Thomas Circle, the area north of the Convention Center, and Downtown East;
- (c) *Create mechanisms to ensure that hotel sites are available to meet the targets for hotels and undertake special programs as necessary to achieve hotel development,*
 - (d) *Encourage the retention and development of a full range of hotels in the Downtown area, especially moderately priced hotels, and*
 - (e) *Encourage the development of new hotels and other convention center related uses near the new convention center north of Mount Vernon Square, including such development on sites both south and north of Massachusetts Avenue, with emphasis on sites around Mount Vernon Square, especially those adjacent to the convention center, while preserving the residential character of the existing neighborhoods east, west and north of the new convention center ”*

OP concludes that allowing the existing hostel to redevelop to the higher density furthers these themes and objectives by.

- Allowing the existing hostel use to continue and potentially expand to substantially increase in capacity,
- Retaining current and future transient housing facilities within three blocks (squares) of Mount Vernon Square and the new D.C. Convention Center, and just south of Massachusetts Avenue, N W , and
- Providing a “mechanism to ensure (this hostel site remains) available ”

Although no comments are in the public record from neighboring Advisory Neighborhood Commissions, OP also concluded that encouraging the potential development of a larger hostel land use on the subject property would not adversely impact residential neighborhoods around the Convention Center because any future construction would continue to be subject all other applicable Zoning Regulations

Therefore, approval of proposed Section 1706.20 would not be inconsistent with the Comprehensive Plan, and this action would support several Plan themes and objectives

The case for this request is based on the applicant’s desire to significantly upgrade its facility while remaining on the existing 5,000 square-foot tax parcel OP concludes additional density is merited based on the goals espoused by the applicant, the furtherance of Comprehensive Plan themes and objectives that would result, and the fact other applicable zoning requirements would still apply to any new construction. However, development of a mixed-use project including a new hostel use on the subject property and adjacent properties would offer the applicant greatly flexibility to meet their goals and the referenced standards. The subject property must also become a lot of record prior to the issuance of Building Permits per Section 3202 3

In light of these considerations, OP recommends a slight modification to the advertised amendment text to clarify that the exemption from the residential land use requirements of the

DD overlay zone district only applies to an equivalent portion of any record lot the succeeds the subject tax parcel

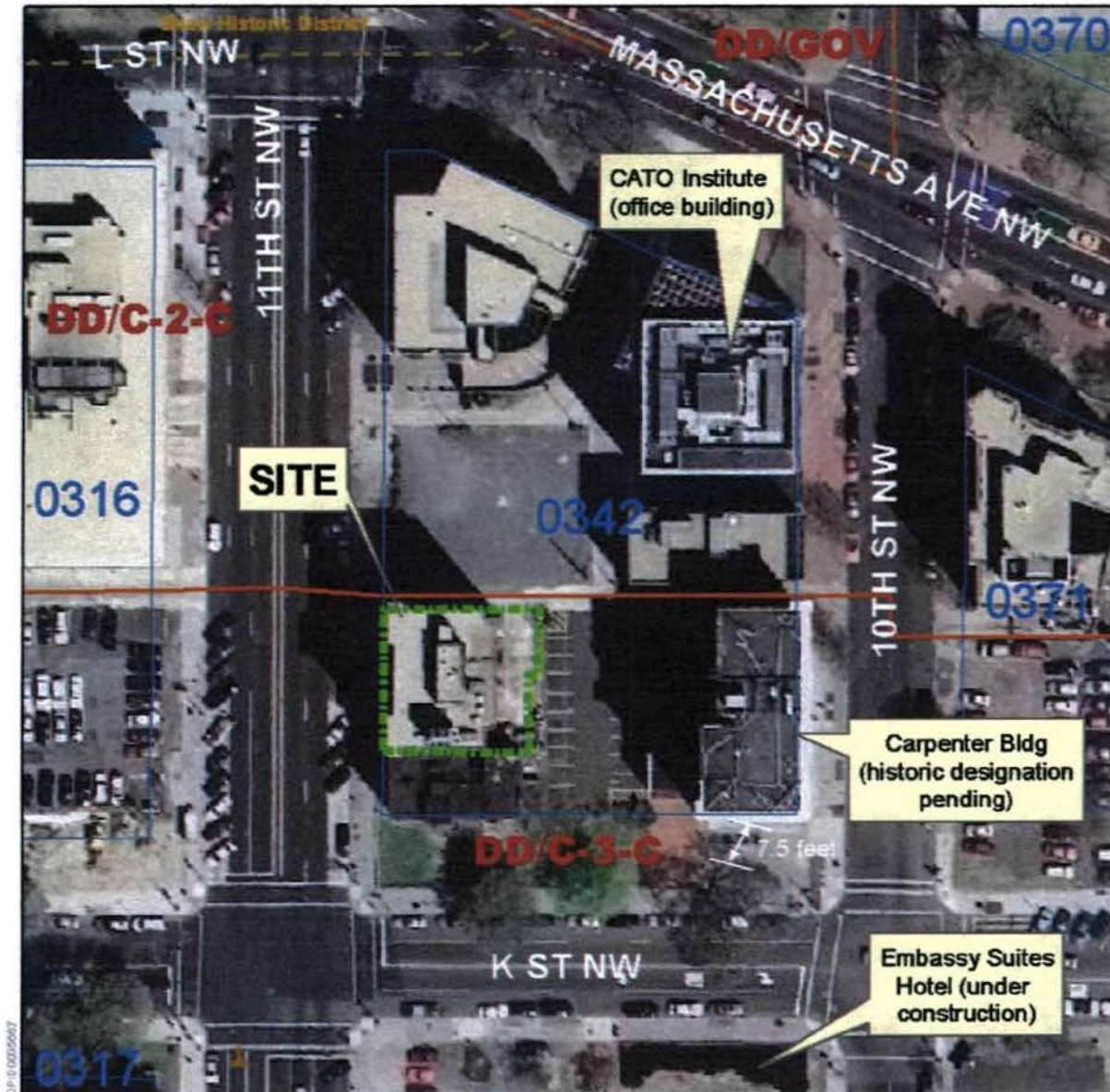
RECOMMENDATION

Based on this information, the Office of Planning recommends Zoning Commission approval of the both proposed text amendments as advertised with the following slight modification (shown underlined)

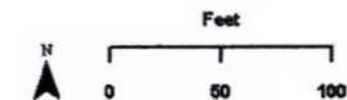
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EMc/afj

Attachments	Exhibit 1	Aerial Map with Zoning
	Exhibit 2	Oblique Area of Square 342 (view to the East)
	Exhibit 3	Letter from John Canon, Assistant Director of Hostel Development for Hostelling International to Arthur Jackson, Office of Planning dated October 12, 2005
	Exhibit 4	Chapters 1 The Zoning Regulations (definition) & Chapter 17 The Downtown Development Overlay District (pertinent provisions)



Zoning Commission Application No. 05-12
1009 11th Street, N.W.



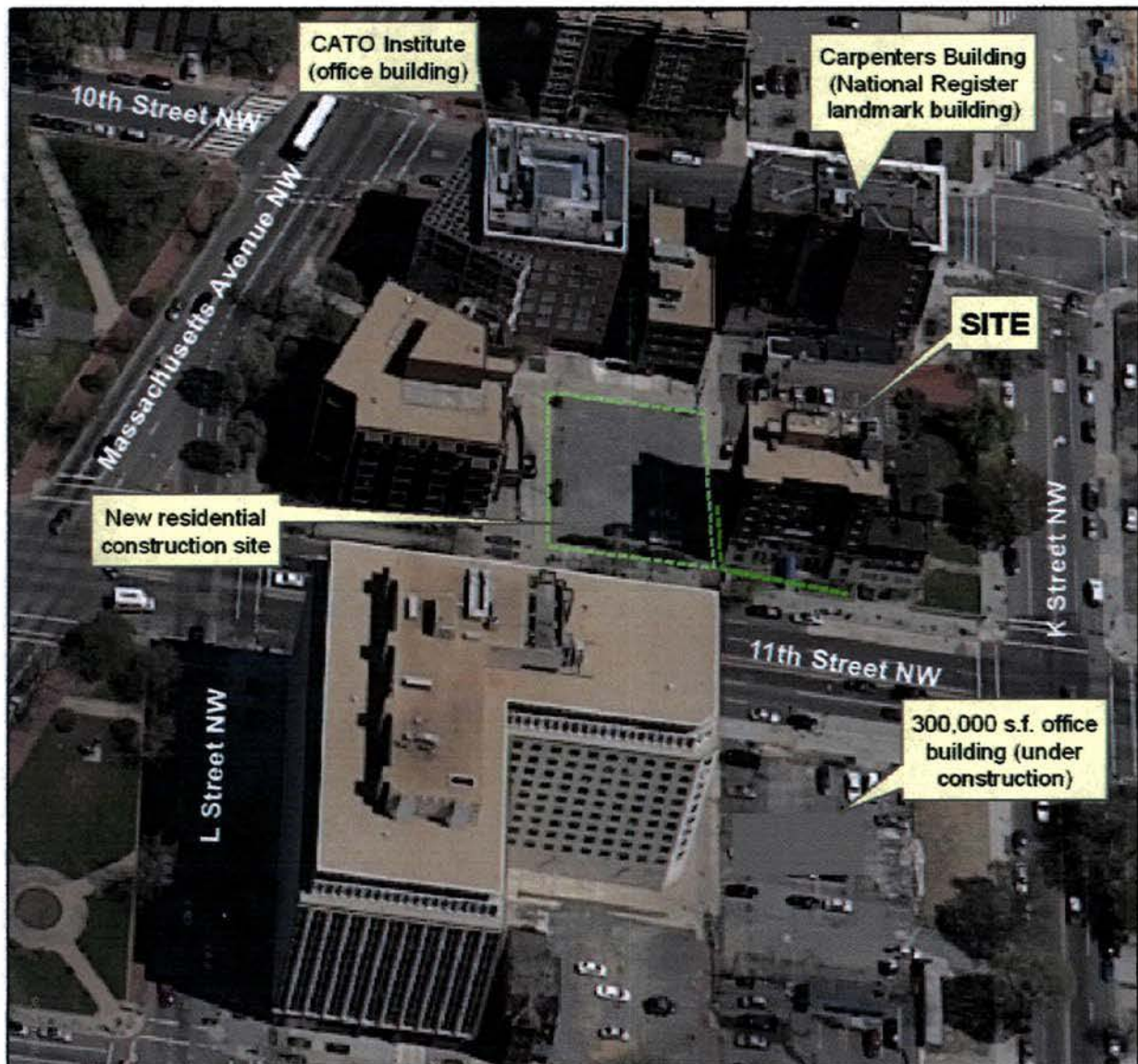
★ ★ ★ Government of the
 District of Columbia
 Anthony A. Williams, Mayor

Office of Planning ~ March 30, 2005

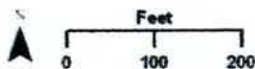
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 It is neither a survey nor a legal document.
 Information provided by other agencies
 should be verified with them where appropriate.

LEGEND

- Property Squares
- Street Centerlines
- Zoning Districts
- Buildings
- Historic Landmark Points



Zoning Commission Application No. 05-12
1009 11th Street, N.W.
(view to the East)



★ ★ ★ Government of the
 District of Columbia
 Anthony A. Williams, Mayor

Office of Planning - October 17, 2005

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 should be verified with them where appropriate.
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Legend

- Property Squares
- Water Features / Streams
- Street Centerlines



HOSTELLING INTERNATIONAL USA **HIUSA.ORG**

National Headquarters 8401 Colesville Road, Suite 600, Silver Spring, MD 20910 T 301.495.1240 F 301.495.6697

October 12, 2005

Mr. Arthur Jackson
Development Review Specialist
Office of Planning
801 North Capitol Street, N.E.
Washington, D.C. 20002

Dear Arthur:

Thank you for your recent visit to the Hostelling International hostel at 1009 11th St., NW. I am writing to answer some of the questions you had during that visit.

As I understand it, your interest is in understanding why we need a new space of 48,000 square feet at this location. The current hostel area is approximately 28,000 square feet. We have a C of O for 250 beds. With a 5,000 square foot lot, at 9.5 FAR, a new facility would be approximately 48,000 square feet. It would likely have about 350 beds. This is a 71% increase in facility size, but a 40% increase in the number of beds.

We need a new facility because the current facility has reached the end of its useful life and it does not adequately meet the needs of the organization. The layout of the building is inadequate and major systems are failing. Rather than perform system repairs and upgrades, Hostelling International USA (HI-USA) believes it would be a better use of resources to raze and rebuild on the site.

The current facility is inadequate in a number of ways:

1. The facility is unable to meet overnight demand during peak seasons. This is particularly true for group visitors. When a group wishes to make a reservation for 50 beds, but we have only 20 available, we lose the opportunity to host the group. This is a frequent occurrence during peak seasons. During the summer we are usually full. Even individual travelers must make reservations substantially in advance to be assured of a bed.
2. The facility is unable to meet the special requirements of many groups. Many groups have a need for separate meeting spaces to conduct their programs and separate common space for recreational use. When we are unable to meet those demands, we lose the opportunity to host those groups. We therefore need to add meeting rooms for groups and a variety of common spaces for interaction and recreation.

3. The facility needs more self-service kitchen space for its guests. Currently, there is a single self-service kitchen, with two stoves. The new hostel would have at least two kitchens for groups, separate from the kitchen for individual travelers. Kitchens are an important component in the hostel experience. It is in kitchens that many of the intercultural interactions that we cherish and promote occur. Groups tend to overwhelm the kitchen space, making it unavailable for individual users. This is inconvenient for everyone. Besides the number of kitchens, we need to make improvement in the layout of kitchens, so that interaction is encouraged while preparing meals and eating.
4. The facility needs more recreational common space. Promotion of the interaction of travelers is very important to HI-USA; it is also important to create environments where guests are comfortable and interactions are harmonious. For this to happen, the ideal hostel will have a variety of distinct spaces for different uses. A TV/movie room for those who wish to watch; a game room for those who wish to play; a quiet area for those who wish to read or have quiet conversation; eating areas for groups, separate from individuals. With multiple, smaller common areas, we would be able to better achieve the type of interaction we seek.
5. The facility needs a greater variety of sleeping room sizes and types. Due to different guest profiles and different preferences and needs, we need to provide a variety of room sizes and types. We need one and two person rooms with en-suite bathrooms for group leaders and couples. We need four-bed rooms for families. We need 12-bed rooms for larger groups. We need six-bed rooms for the average individual traveler. For the unexpected, we need to have the flexibility to accommodate special needs. To accomplish this, we need more space.
6. Hostelling International USA recently concluded a complete revision of its Quality Standards. These are standards that govern hostel facilities, including bathrooms, kitchens, common spaces, as well as cleanliness, maintenance, health and safety, and other aspects of hostel operation. A copy of these Standards is attached. The current facility does not allow us to fully meet our own standards.

It is vitally important to HI-USA that we be able to keep this location, or one with similar characteristics. People make a choice to stay in hostel for three primary reasons:

1. They want the communal, interactive, cooperative experience offered by the hostel, where one can meet and make lasting friendships with people from all over the world.
2. The hostel is in an exceptionally good, close-in location, within Downtown. This allows the hosteller to experience the city on foot. This is cheaper and

far more interesting for the hostel traveler. For the group leader, this is critical. Group leaders very strongly prefer not to have to herd children onto public transportation. Cost of public transportation is also a major factor for groups.

3. The price has to be right. The HI-USA D.C. hostel offers beds priced from \$21 to \$40 per night. Groups usually receive a reduced rate. The hostel uses space very efficiently. In the space occupied by a \$200 per night hotel room in this neighborhood, HI-USA is able to house six hostellers for \$180.

The primary independent hostel users are men and women aged 18-25, though people of all ages stay at the hostel. In a survey of guests performed several years ago, HI-USA learned that hostel guests spend an average of \$75 per day while in D.C., including the cost of the hostel stay. We estimate that number to be closer to \$85 per day today. At an average price per bed of \$28, our guests spend an average of \$57 per day exclusive of the cost of the hostel stay. Average length of stay of guests at the hostel is 3 nights. Average total spending, exclusive of the hostel bed, of all guests, annually (at 55,000 overnights) is \$3.13 million.

We anticipate that, with a new facility, with features that meet the demands of the market, in the current location, with 350 beds, HI-USA will host 85,000 overnights annually. At current spending patterns, the economic impact of the hostel from spending in the City, exclusive of the cost of the bed, will be approximately \$4.85 million (not including the multiplier effect).

The hostel serves a very important, but neglected market of visitors to Washington, DC. There are very few low cost accommodations in downtown Washington, DC. Without this hostel, most of our guests would have to stay at suburban locations in order to afford a visit to Washington, DC. The hostel affords them the opportunity to experience D.C. in the heart of downtown, within minutes of the Mall. This is just good hospitality.

Further, the hostel contributes greatly to the very type of street feel that Washington is trying to achieve. Washington's Department of Planning has placed great emphasis on the creation of a lively downtown, with activity well beyond business hours. The hostel brings young people from all over the world to the streets of downtown D.C. These people are very active and curious, and are usually out in the evening as well as during the day.

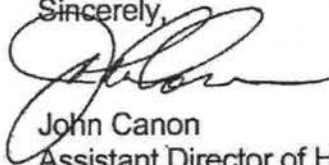
HI-USA is striving to upgrade its network of hostels to meet the changing demands of the marketplace. The demands include simple, clean, functional facilities in good condition, designed to allow ample opportunity for interaction with other guests, located in the middle of the city. The young people who make hostelling trips around the world today are the leaders of tomorrow. We want them to have pleasant memories of their stay in Washington, D.C.

In Washington, DC, approximately 75% of all overnight stays are by domestic travelers (U.S. residents). D.C. is unique among the HI-USA urban hostels in having such a high percentage of domestic users. In the other major urban markets, domestic use is from 25% to 50%. About 25% of the overnight stays at the D.C. hostel are in groups.

In addition to the many international and domestic travelers, HI-USA also hosts many of the people that come to Washington, D.C. for internships – on Capitol Hill, in government agencies, and in other areas. We host students who come to D.C. to make college visits while in high school. We host people new to the area who need short term accommodations while they search for a place to live. Many people attending conferences, demonstrations, seminars, trade shows and other organized events turn to the hostel for an inexpensive place to stay.

I hope this description of our situation and needs is helpful for you as you review the case before you. Please let me know if there is further information I can provide you.

Sincerely,



John Canon

Assistant Director of Hostel Development

Attachments: HI-USA Quality Standards
HI-USA Hostel Handbook
HI-USA Map
Interview Findings & Analysis

Chapter 1 - Zoning Regulations

199 DEFINITIONS

199 1 When used in this title, the following terms and phrases shall have the meanings ascribed.

Inn - a building or part of a building in which habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis. Guest rooms or suites may include kitchens, but central dining, other than breakfast for guests, is not allowed. The term "inn" may be interpreted to include an establishment known as a bed and breakfast, hostel, or tourist home, but shall not be interpreted to include a hotel, motel, private club, rooming house, boarding house, tenement house, or apartment house.

Chapter 17 - Downtown Development Overlay District

1706 RESIDENTIAL AND MIXED USE DEVELOPMENT

1706 1 The policies and objectives for residential use and development in and near Downtown as specified in the Comprehensive Plan shall be the following:

- (a) To encourage construction of new housing and retention of existing housing so that a sizeable residential component is created that will help accomplish the balanced mixture of uses essential to a "Living Downtown",
- (b) To create the greatest concentration of housing in the Mount Vernon Square area,
- (c) To encourage residential and mixed use development along Massachusetts Avenue;
- (d) To promote mixed use development including residential use south of Massachusetts Avenue, extending to the south through Judiciary Square north, Chinatown, and Gallery Place. and
- (e) To support the significant residential development in the Market Square subarea in the 7th Street and Pennsylvania Avenue area.

1706.2 The housing requirements and incentives of this section shall be applicable only in the Housing Priority Area, which is depicted in Map B and which is described by squares in §1706 8, provided that the transferable development rights provisions of §1706.3 shall be applicable throughout the DD District. Map B is incorporated by reference.

1706 5 In the DD/C-3-C zone the following residential and mixed use provisions shall apply:

- (a) The maximum FAR shall be 9.5 as a matter-of-right, which FAR may be devoted to all residential use or may include commercial or nonresidential uses as provided in this subsection,
- (b) Each lot shall provide on-site or account for off-site in a combined lot development no less than 3.5 FAR of residential use,

- (c) On a lot that is south of Massachusetts Avenue, up to 1.4 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by the provisions of this section,
- (d) On a lot that is north of Massachusetts Avenue, up to 1.05 FAR of the residential requirement may be met by constructing or financially assisting affordable housing as defined in this chapter and as governed further by the provisions of this section, and
- (e) If such affordable housing is provided off-site pursuant to paragraph (c) or (d) of this subsection, commercial or nonresidential FAR may be substituted on-site, or in a combined lot development, by the same amount of gross floor area as the affordable housing, up to the maximum limit of 1.4 FAR south of Massachusetts Avenue or 1.05 north of Massachusetts Avenue. ..

1706.8 For the purposes of permitting and governing combined lot developments as provided by §1708, the Housing Priority Area is divided into three (3) subareas as follows:

- (b) Housing Priority Area B, the Mount Vernon Square South area, comprises the DDE-2-C and DDE-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, 371, 372, 427, 428, 452, 453, 485, 486, 517, and 529; ..

1706.9 Combined lot development as authorized and governed by §1708 may be used by two (2) or more properties within any one of the three identified Housing Priority Areas, but not by properties in different Housing Priority Areas

1706.13 If a development project includes both required residential uses and nonresidential uses, whether on the same lot or in a combined lot development, no Certificate of Occupancy shall be issued for the nonresidential space until a Certificate of Occupancy has been issued for the residential space: Provided, that, the following requirements are met. ...

- (b) At least seventy-five percent (75%) of the commercial development that triggers the residential use requirement shall comply with the timing requirements of this subsection.

1706.14 In the Housing Priority Area the maximum height of a building shall be as provided in §§1701.7 and 1706.15 of this chapter.

1706.18 Renovation of a nonresidential building in existence as of the January 18, 1991, and having a height of six (6) floors or less at and above grade shall not trigger a housing requirement as provided in this Section.