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D.C. OFFICE OF ZONING

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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director *JS*
DATE: March 14, 2008
SUBJECT: Zoning Commission Case No. 08-05
Setdown Report and Prehearing Statement

PETITION

The Office of Planning requests the Zoning Commission amend the following section of Title 11 DCMR:

- Section 1700.7 (d)
- Section 1706.11
- Section 2405.3

The proposal is intended to enable the construction of the District funded Convention Center headquarters hotel on Square 370 by removing the residential use requirement of the DD Overlay and by allowing additional density through the Planned Unit Development process.

This report also serves as a pre-hearing statement.

RECOMMENDATION

The Office of Planning recommends that this case be **set down** for a public hearing.

SITE AND AREA DESCRIPTION

Square 370 is in the DD/C-2-C and DD/C-3-C zone districts. The square is located in the central business district and immediately across 9th Street from the Convention Center. It is bound by L Street on the north, Massachusetts Avenue on the south, 9th Street on the east and 8th Street on the west. At the eastern end of the Square there is a PEPCO substation that will remain.

ZONING COMMISSION
District of Columbia

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EXHIBIT NO. 1
ZONING COMMISSION
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EXHIBIT NO. 1

Surrounding uses include a mix of office buildings, residential buildings, the Carnegie Library building in Mount Vernon Square, and the Washington Convention Center.

HISTORY

Construction of a headquarters hotel in support of the District's new convention center is a top economic development priority of the District. In April 2006 the City Council passed the Convention Center Hotel Omnibus Financing and Development Act of 2006, which authorized the lease of certain lots in Square 369 and Square 370 by the District to a private development team led by Marriott International, Inc., and approved tax increment financing to support the development of the hotel on these lots. In 2007, the hotel program was further defined to be fully contained on lots in Square 370.

There have been two previous cases relevant to the development of the headquarters hotel on Square 370 and the redevelopment of the old convention center site. Case 05-43 included Squares 344, 373, and 374, and National Park Service Reservation 174 (the old convention center site) in Housing Priority Area B. Case 07-09 amended the escrow requirements for city projects in the DD which facilitated a land trade with affiliates of Gould Property Company, whereby Gould Property Company obtained parts of Square 374 and the city obtained parts of Square 370 for the specific purpose of building a convention center hotel.

The development team has been working with the Office of the Deputy Mayor for Planning and Economic Development and the Office of Planning in refining the development plans for submission of a Planned Unit Development.

ZONE DISTRICT

The site is in the DD/C-2-C and the DD/C-3-C zone districts. The DD overlay is applied to the core of the downtown. Section 1700.2 sets forth the purpose of the DD overlay:

The purpose of the DD Overlay District is to help accomplish the land use and development policies of the Comprehensive Plan relating to the affected Downtown sectors.

The site is included within Housing Priority Area A the following residential and mixed-use provisions would apply:

	DD/C-2-C	DD/C-3-C
Site Area (82,888 sf)	49,320 sf	33,568 sf
Maximum FAR	8.0	9.5 as a matter of right
Maximum FAR through Transferred Development Rights (TDR) or bonus density earned from affordable housing or preferred retail uses		10.0
Housing on-site or account for off-site in a combined lot development	No less than 4.5	no less than 3.5 FAR

A maximum residential FAR that may be accepted through combined lot	3.5	6.0
100% residential use	Unlimited FAR	Unlimited FAR
Height	130' - as permitted by the Height Act.	130' - as permitted by the Height Act.

COMPREHENSIVE PLAN

The proposal is not inconsistent with many policies of the Comprehensive Plan and is specifically consistent with the Central Washington Element:

Policy CW-1.1.10: Central Washington Hotels and Hospitality Services

Encourage the development of additional hotels in Central Washington, especially in the areas around the new Convention Center and Gallery Place, along Pennsylvania Avenue NW and Massachusetts Avenue NW, in the Thomas Circle area, and in the area east of Third Street NW. A range of hotel types, including moderately priced hotels; and hotels oriented to family travelers as well as business travelers, should be encouraged. Hotels generate jobs for District residents and revenues for the general fund and should be granted incentives when necessary. Retain existing hotel uses by allowing and encouraging the expansion of those uses, including the addition of one floor, approximately 16 feet in height subject to coordination with federal security needs, to the Hay-Adams Hotel. 1708.11 (emphasis added)

Policy CW-2.4 Mount Vernon District 1714

Mount Vernon Square itself was designed to be a focal point in Washington's ensemble of great civic landmarks. Its focus is the 1902 former Carnegie Library building, an elegant historic structure that is now in use by the Washington Historical Society. Facing the north edge of the Square is the 2.3 million square foot Washington Convention Center, completed in 2003. To the southwest, the now vacant site of the former Convention Center is awaiting redevelopment. Immediately northwest of the Square, a major convention hotel is planned. Large-scale office buildings occupy other sides of the Square, framing it as a potentially great public space. 1714.2 (emphasis added)

Policy CW-2.4.3: Convention Center Area Land Uses

Encourage land uses around Mount Vernon Square which capitalize on the presence of the Washington Convention Center. Such uses include hotels, restaurants, retail, and entertainment uses. Convention related hotel construction should be focused on vacant or underutilized land immediately adjacent to the Convention Center to minimize impacts on the surrounding neighborhood. 1714.8 (emphasis added)

Action CW-2.4-B: Convention Center Hotel

Develop a major convention center hotel in close proximity to the Washington Convention Center. The hotel should be sited and designed to complement adjacent uses and add activity and aesthetic value to the Mount Vernon Square neighborhood. 1714.14

The Comprehensive Plan Generalized Land Use Map identifies the site for a mix of high-density residential and commercial uses.

In order to accommodate the number of rooms determined to be necessary to successfully serve the Convention Center, the project needs additional FAR beyond that allowed under a C-3-C PUD. The PUD regulations do not permit the same levels of density and height as the DD overlay. OP notes that in the DD/C-3-C zone the density has no limit if the project is all residential and can develop a 9.5 FAR as a matter-or-right as a mixed use project. A hotel use is not considered residential and therefore would be limited to non-residential standards of 6.0 FAR on the DD/C-3-C portion of the site and 4.5 on the DD/C-2-C portion of the site.

The DD clearly encourages high density development and the scale and density of the headquarters hotel (anticipated at approximately a 9.3 FAR) is completely in character with the surrounding density and development along Massachusetts Avenue.

POPORSED TEXT AMENDMENTS

The Office of Planning recommends the following amendments to the chapters 17 and 24 of 11 DCMR:

1700.7 A Planned Unit Development (PUD) in the DD Overlay District shall be subject to the following provisions in addition to those of chapter 24 of this title:

- (d) Notwithstanding paragraphs (b) and (c) of this subsection, if a PUD is proposed to govern the following, the PUD shall be guided by the applicable policies of the Comprehensive Plan: ~~development of the University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426, the PUD shall be guided by the applicable policies of the Comprehensive Plan.~~
 - 1) development of the University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426.
 - 2) development of a convention center headquarters hotel on square 370

1706.11 No minimum residential use requirement shall apply to the following: ~~in Square 485 nor to any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena:~~

- (a) Square 485;
- (b) Any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena;
- (b) Any portion of Square 370 improved with a convention center headquarters hotel.

2405.3 The Commission may authorize the following an increase increases; provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter; ~~of not more than five-percent (5%) in the maximum height or floor area ratio provided, that the increase is~~

- (a) not more than five percent (5%) in the maximum height or
(b) not more than five percent (5%) in the maximum floor area ratio except
that in Square 370 where the Commission may grant in excess of five
percent (5%) for the purposes of a convention center headquarters hotel.

OP recommends the case be setdown for public hearing.

