

STAFF RECOMMENDATION

NCPC File No. Z.C. 05-43



MAP AND TEXT AMENDMENTS TO INCLUDE SQUARES 344, 373, 374, AND NATIONAL PARK SERVICE RESERVATION 174 (OLD CONVENTION CENTER SITE) IN HOUSING PRIORITY AREA B

Submitted By the Zoning Commission of the District of Columbia

June 29, 2006

Abstract

The Zoning Commission has taken proposed action to consider the District of Columbia's Office of Planning request to include the 10.16 acre site of the Old Convention Center within Housing Priority Area B. This action will result in a change of allowable FAR from 6.5 to a new FAR of between 9.5 and 10.0. The site is currently owned by the District of Columbia except for Reservation 174 which is owned by the United States. Under H.R. 3699, currently pending in Congress, title to Reservation 174 would be conveyed to the District of Columbia. If H.R. 3699 is not enacted, the proposed action will not be applied to Reservation 174.

Federal Interests

The identified federal interests in this project include the 1910 Height of Buildings Act and elements of the L'Enfant Plan, including NPS Reservation 174 and the rights of way on H, I, 9th, 10th and 11th Streets NW. Additional federal interests include the Section 106 Memorandum of Agreement for construction of the District of Columbia Arena project (currently known as the Verizon Center) signed on September 28, 1995 and the National Capital Planning Act.

Commission Action Requested by Applicant

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

Executive Director's Recommendation

The Commission:

- **Concludes** that the proposed inclusion of the Old Convention Center site in Housing Priority Area B would not adversely affect the identified federal interests, nor would it be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

- **Notes that:**
 - The District of Columbia agreed to reopen the underlying blocks of 10th and I Streets, N.W. to vehicular traffic and restore those streets to the configuration that existed immediately prior to the construction of the Old Convention Center in the Memorandum of Agreement (MOA) for the District of Columbia Arena Project.
 - Reservation 174 should be preserved as open space in accordance with the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital, which calls for the preservation of the “integrity, form and design of the L’Enfant Plan’s system of streets and reservations from inappropriate new buildings and physical incursions.”
 - No development on the Old Convention Center Site may exceed the height allowed under the Height of Buildings Act of 1910.
 - Commission will request that the District of Columbia submit the development plan for the Old Convention Center Site to the National Capital Planning Commission, in accordance with its function as the central planning agency for proposed federal and District of Columbia developments and projects under 40 U.S.C. §8722(a).

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PROJECT DESCRIPTION

Site

The Old Convention Center site contains a total land area of 10.16 acres including Squares 344, 373, 374 and National Park Service Reservation 174. The site (except for NPS Reservation 174) is currently zoned DD/C-3-C. and is bounded on the north by New York Avenue, on the east by 9th Street, on the south by H Street, and on the west by 11th Street.

The site lies in the Central Business District and is adjacent to the southwest corner of Mount Vernon Square. The surrounding area contains a mix of commercial and retail uses, public assembly areas, municipal facilities, and government offices.



**PROJECT SITE
(Existing Zoning)**

Proposal

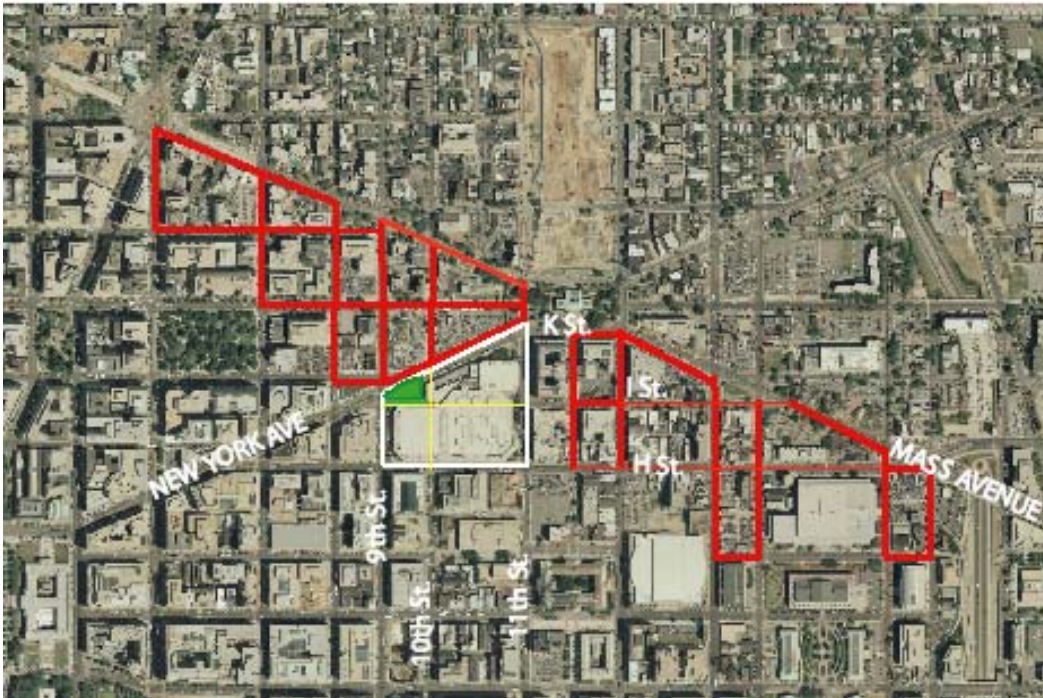
The District of Columbia's Office of Planning has proposed an amendment to the Zoning Map and to Section 1706.8(b) OF 11 DCMR to include the Old Convention Center site within Housing Priority Area B. The site currently allows for a maximum FAR of 6.5 as a matter of right; if the proposed amendment is approved, the new site would be allowed a maximum FAR of 9.5 (up to 10.0 through transferred development rights or bonus density), a requirement for no less than 3.5 FAR of residential use on-site or through a combined lot development, and a maximum height as permitted by the DC Height of Buildings Act. Many of the adjacent area densities (with FARs of between 9.5 and 10.5) are compatible with resulting density of the proposed amendment.

Housing priority Area B encompasses an irregular collection of 17 nearby squares, including those immediately adjacent to the site to the north and within one block to the east. The purpose of the area is to promote the development of additional housing in the Downtown by imposing a housing requirement on the subject lots as well as providing an opportunity for combined lot development. The resultant higher FAR is consistent and compatible with the Downtown Shopping District to the south and aforementioned Housing Priority Area B to the north, northwest and east. A higher density is only available if the site is included in Housing Priority Area B.

The proposed amendment is also consistent with Chapter 9 of the Comprehensive Plan for the National Capital: District Elements and the Downtown Action Agenda, with anticipated development expected to relate to the following themes and land use objectives relevant to development of the Downtown:

1. Stabilize and improve the District's neighborhoods;
2. Preserve and promote cultural and natural amenities;
3. Respect and improve the physical character of the District;
4. Create mixed-use development that will attract and serve a variety of users;
5. Maximize and concentrate downtown housing;
6. Ensure an active and productive environment at different times of day and night;
7. Increase the quantity and quality of employment opportunities in the District; and
8. Promote enhanced public safety.

The proposed amendment is not inconsistent with the Comprehensive Plan for the National Capital: Federal Elements.



PROJECT AREA
(Existing Housing Priority Area B)

PREVIOUS COMMISSION ACTIONS

Although the Commission has not formally acted on a proposal for the Old Convention Center site, informational presentations by the development team selected by the District were conducted at the February 2006 and May 2006 Commission meetings; the latter presentation led to several discussion items and comments which should be taken into consideration.

The development team indicated that the current plan was to build matter of right, without seeking PUD or other special requirements. In response to prior discussions, the development team revised their proposal to include a public space in the area currently NPS Reservation 174. They also stressed the importance of creating “energized open spaces [and a] high level of visibility and access across the site.”

With regard to inclusion of residential uses, Commission members supported residential and retail use, expressing, “the success of the amount of residential that’s here, to keep it vibrant 24 hours a day, to some degree, and play off the retail on that.”

Commission members commended the development team for maintaining and enhancing the park area in current NPS Reservation 174: “...that park amenity, and especially considering some winter use for the park as an amenity is, I think, extremely important and will be a magnet and a draw in itself, as opposed to having placed some building or structure there. I think it gives it the right kind of balance as well.”

FEDERAL INTEREST ANALYSIS

The identified federal interests in this project include the 1910 Height of Buildings Act and elements of the L’Enfant Plan, including NPS Reservation 174 and the rights of way on H, I, 9th, 10th and 11th Streets NW. Additional federal interests include the Section 106 Memorandum of Agreement for construction of the District of Columbia Arena project and the National Capital Planning Act.

Memorandum of Agreement

At the time the DC Arena project was being evaluated, mitigation measures were identified as a way to alleviate As part of NCPC’s responsibilities under Section 106 of the National Historic Preservation Act, the agency entered into an MOA with the District of Columbia and D.C. Arena L.P. to identify measures to mitigate the adverse affects of closing the 600 block of G Street, NW., stipulating the following:

“... the District will...reopen the underlying blocks of 10th and I Streets, N.W. to vehicular traffic and restore those streets to the configuration that existed immediately prior to the construction of the existing Convention Center.”
(*Stipulation I.D.2*)

“...the District will enter into the Land Records of the District of Columbia a covenant mandating such reopening of 10th and I Streets, N.W. ...” (*Stipulation I.D.3*)

The District has not yet fulfilled their obligation with regard to the above stipulations.

Height of Buildings Act

New construction is required to not exceed maximum building heights, as mandated by the Height of Buildings Act of 1910. Section 5 of the Act states, “That no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; but where a building or proposed building confronts a public space or reservation formed at the intersection of two or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway.” Section 5 of the Act also limits any construction to a maximum of 130 feet, except on the limited portions of Pennsylvania Avenue, NW. A summary of maximum building heights for the site (frontages) is as follows:

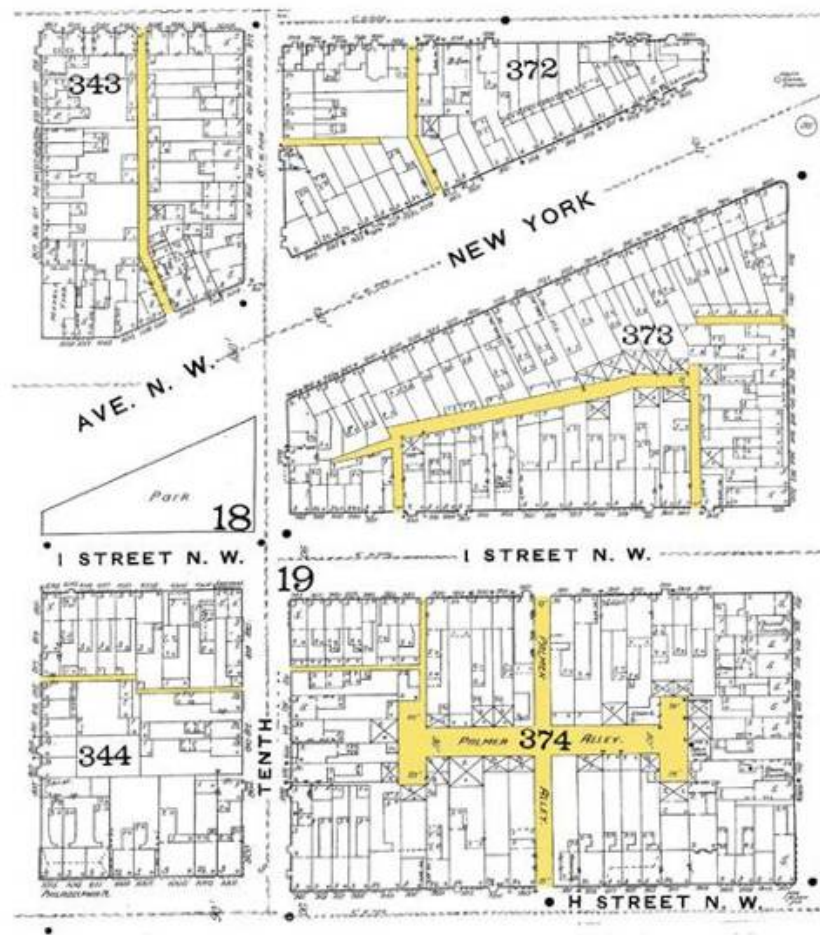
Street / Avenue	Width of Right-of-Way	Maximum Building Height
9 th Street, NW	85’-0”	105’-0”
10 th Street, NW	85’-0”	105’-0”
11 th Street, NW	111’-5”	130’-0”
H Street, NW	90’-0”	110’-0”
I Street, NW	90’-0”	110’-0”
New York Avenue, NW	130’-0”	130’-0”

Staff finds that the proposed inclusion of the Old Convention Center site within Housing Priority Area B, and the resultant increase in allowable FAR, will not adversely affect the federal interest, nor would it be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

However, staff notes:

- The District of Columbia agreed to reopen the underlying blocks of 10th and I Streets, N.W. to vehicular traffic and restore those streets to the configuration that existed immediately prior to the construction of the Old Convention Center in the Memorandum of Agreement (MOA) for the District of Columbia Arena Project.
- Final development should retain the open space currently designated as NPS Reservation 174, regardless of final jurisdiction, per the “Preservation and Historic Features” and “Parks and Open Space” elements of the Comprehensive Plan for the National Capital.
- New construction shall not exceed building heights mandated by the 1910 Height of Buildings Act.

To ensure that these federal interests are protected, staff recommends that the Commission request that the District of Columbia submit the development plan for the Old Convention Center Site to the National Capital Planning Commission, in accordance with NCPC’s function as the central planning agency for proposed federal and District of Columbia developments and projects under 40 U.S.C. §8722(a).



PROJECT AREA: HISTORIC MAP (Baist)

CONFORMANCE

Comprehensive Plan

Federal Elements: The Comprehensive Plan for the National Capital: Federal Elements notes that both the federal and the District of Columbia governments should adhere to the principles of the L'Enfant Plan by protecting and enhancing the elements and views in any improvements or alterations to the historic framework.

The Preservation and Historic Features element includes policies that state that the federal government should “Preserve the historic street rights-of-way and reservations that contribute to the significant system of open space forming the urban design framework of the nation’s capital,” (Page 166, Policy 3); “Protect and control the visual and functional qualities of L'Enfant rights-of-way,” (Page 167, Policy #8); protect the open space of L'Enfant streets, reciprocal views along the rights-of-way, historic importance and function of the streets as vehicular thoroughfares (Policies 9, 10, and 12, respectively); and “Protect the integrity, for and design of the L'Enfant Plan’s system of streets and reservations from inappropriate new buildings and physical incursions.” (Policy #11). Additionally the Comprehensive Plans’ policies 13 and 15 also apply, the first stating that the federal government should “Construct building facades to the street right-of-way lines (building lines) to reinforce the spatial definition of the historic street plan” and the latter requiring restoration of the historic streets and reservations which were previously closed to their original right-of-way or configuration.

The Parks and Open Space element includes policies that state that the federal governments should “Maintain and conserve federal open space as a means of shaping and enhancing urban areas.” as well as, “Preserve open space that is crucial to the long-term quality of life of a neighborhood or the region.” (Page 104, Policies #2 and #3).

District Elements: The proposed zoning amendment is generally consistent with the Comprehensive Plan for the National Capital: District Elements, Chapter 9: Downtown Plan Element. Specifically, Section 928.2(h) of the Plan addresses objectives for redevelopment specific to the Old Convention Center site:

- (1) If the old building is demolished, the underlying rights-of-way of 10th and I Streets, N.W., should be restored to vehicular or pedestrian traffic in the configuration that existed immediately prior to the construction of the building.
- (2) The old Washington Convention Center site should continue to serve as a major destination for tourists, visitors, and residents. The site should be zoned to permit retail/entertainment, residential, hotel, and convention center related uses, along with sufficient underground parking, as the preferred uses. Privately financed development of the preferred uses, and of underground exhibit space with a connection to the new convention center, should be encouraged, if feasible.

CONSULTATION

D.C. Office of Planning (DCOP)

The proposal was initiated by DCOP and recommended the DC Zoning Commission (DCZC). A public hearing on June 8, 2006 was concluded with the DCZC taking proposed action to approve the proposal.