

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03D
Z.C. Case No. 11-03D
Wharf 5 Hotel REIT Leaseholder, LLC
(Modification to Consolidated Planned Unit Development)
October 19, 2015**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on October 19, 2015. At the meeting, the Commission considered an application from Wharf 5 Hotel REIT Leaseholder, LLC ("Applicant") for minor modifications to an approved planned unit development and related map amendment. (See Z.C. Order Nos. 11-03 and 11-03B, collectively, the "PUD.") The modifications were requested to allow refinements to the Parcel 5 portion of the approved PUD. Because the modifications were deemed minor, a public hearing on the request was not required pursuant to the Commission's Consent Calendar procedures, 11 DCMR § 3030. The Commission further determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

1. The first-stage PUD and related map amendment were originally approved in Z.C. Order No. 11-03, dated October 17, 2011, effective December 16, 2011.
2. The Commission approved the second-stage PUD for Parcel 5 by Z.C. Order No. 11-03B, dated May 13, 2013, effective June 21, 2013.
3. The Southwest Waterfront project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC ("HSW"), which entered into a land disposition agreement for its development. HSW has assigned all its rights, approvals and contracts for Parcel 5 to Wharf 5 Hotel REIT Leaseholder, LLC.
4. The project site fronts on the Washington Channel in Southwest Washington and is generally bounded on the northwest by the Maine Avenue Fish Market and Case Bridge (part of the highways comprising the 14th Street Bridge), Maine Avenue to the northeast, Washington Channel to the southwest, and on the southeast by N Street, S.W. and 6th Street, S.W.

5. Pursuant to the first-stage PUD approval, the entire project will include an aggregate density of 3.87 floor area ratio (“FAR”) , which excludes the private streets in the project area, or approximately 3,165,000 square feet of gross floor area. Proposed uses will include approximately 1,400 mixed-income and market-rate residential units, with 160,000 square feet of the gross residential space set aside for households earning no more than 30% and 60% of the Metropolitan Statistical Area Median Income (“AMI”); approximately 925,000 square feet of office space; a luxury hotel with a total of 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 square feet devoted to retail uses; a minimum of 100,000 square feet devoted to cultural activities; and more than 10 acres of parks and open space on the land side. The riparian area will feature four public or public use piers, as well as approximately 80,000 square feet of maritime related commercial, recreational, and service development.
6. The modifications requested in the subject application relate to the building identified in the approved PUD as Parcel 5. As set forth in Z.C. Order No. 11-03B, Parcel 5 will be developed with an extended-stay and limited service hotel combination with approximately 405 rooms. The ground floor will include retail/service uses. The mass of the building consists of a one-story base with a U-shaped hotel tower configuration above, rising to a maximum building height of 110 feet in eight to nine stories.
7. The modifications proposed relate to interior space and square footage adjustments within the building envelope; penthouse and pool changes on the rooftop; and minor building façade adjustments within the interior elevated courtyard. The minor adjustments were made to the design and program to accommodate the change in the hotel brands from Starwood Element and Starwood Aloft to a Hyatt House and Canopy by Hilton (still extended-stay and lifestyle hotels, respectively). The building height remains approximately 110 feet. None of the changes modify the surrounding exterior footprint of the building. The building is still below the permitted FAR. Based on the additions and deletions of the program, the overall building area was reduced by approximately 5,852 square feet in comparison to what was approved in the second-stage PUD.
8. The requested minor modification will have no detrimental impact upon the PUD. Aside from the minor modification noted in Finding No. 7, the overall project that was approved has not changed in any fashion. The use, height, density, and gross floor area of the PUD have not changed. The overall design and programming of the PUD has not changed, and the project amenities and community benefits of the project likewise have not changed and will continue to be provided as part of the PUD.
9. The Office of Planning (“OP”) submitted a report dated October 9, 2015 (“OP Report”), in support of the Application. (Exhibit [“Ex.”] 9.) The OP report stated that the proposed minor modifications would slightly alter the exterior design but maintain the overall massing and use mix of the building. OP found that the proposed changes would be of

little or no consequence and are not inconsistent with the original Order for the project, and represent improvements to the project with little or no potentially negative impact. OP therefore recommended that they be approved as minor modifications to the PUD.

10. The Gangplank Slipholders Association (“Association”), a party to the original application, filed a letter dated October 9, 2015, in support of the proposed modifications. (Ex 8.) Notwithstanding the requested modifications, the Association noted that the hotel building would remain below the permitted density, and would maintain the approved height of 110 feet. The Association also noted that all of the proposed minor modifications would have little or no effect on the exterior as shown on the plans previously approved by the Commission.
11. Advisory Neighborhood Commission (“ANC”) 6D did not submit a formal written recommendation to the Commission. ANC Single Member District (“SMD”) 6D04 Commissioner Andy Litsky submitted a letter dated October 9, 2015, in which he noted that the ANC was not able to provide a formal recommendation because the scheduling of consideration of the requested modifications conflicted with the ANC’s summer recess. Commissioner Litsky supported the modifications, which he noted were necessary to accommodate the requirements of the particular hotel operators who will occupy and manage the property once it is constructed. Commissioner Litsky noted that the modifications do not impact the overall footprint nor the exterior design of the building and provide even more efficient use of space and greater circulation in the open public areas adjacent to the great steps.
12. There were no parties in opposition to the application.
13. The Commission took final action to approve the application at its public meeting held on October 19, 2015.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the previously approved PUD. Further, the Commission concludes that approval of the requested modifications is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Map. Approval of the modifications to the approved PUD is not inconsistent with the District of Columbia Comprehensive Plan (10-A DCMR). Further, the modifications do not impact material elements of the PUD, including permitted use, height, gross floor area, or project amenities or benefits.

The Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the

recommendations of OP. OP recommended approval of this application as a minor modification, and the Commission concurs in this recommendation.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The ANC did not submit a formal written recommendation to the Commission.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the application for Modifications to the subject PUD, such that Condition No. A.1 of Z.C. Order No. 11-03B is modified to read as follows with the additional text shown in bold and underlined:

1. The PUD shall be developed with an extended-stay and limited-service hotel with retail and service uses, substantially in accordance with the architectural plans prepared by SmithGroup JJR Architects, dated February 8, 2013, and marked as Exhibit 17A in the record, as revised by Exhibit 34A, **and as revised by the plans dated September 19, 2015, marked as Exhibit 6 of the record in Z.C. Case No. 11-03D** (collectively, the "Plans"), and as modified by the guidelines, conditions, and standards herein.

On October 19, 2015, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on January 15, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING