

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



October 28, 2013

By US Mail and Email PDF

Jeff Utz
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006

**Re: CityCenter DC Hotel Project – Lot 44, Square 374 (the “Property”) –
Project Zoning Confirmation Letter**

Dear Mr. Utz:

The purpose of this letter is to confirm the zoning and interpretations of certain sections of the Zoning Regulations as they relate to the redevelopment of the above-referenced Property, as discussed in our meetings of August 21, 2013 and October 1, 2013. It is my understanding that OCC Master Developer, LLC, or an affiliated party, is designing an eleven (11) story hotel and retail project with approximately 345,308 gross square feet (approximately 374 hotel rooms) on the Property as shown on the District Schematic Drawings dated July 16, 2013, as amended with pages dated August 21, 2013, attached as Exhibit A (the “**Plans**”). I have concluded that the proposed project shown on Exhibit A complies with the Zoning Regulations as described below.

The Property is zoned in the Downtown Development District (“**DD**”) Overlay / C-3-C Zone District. The Property’s total site area is approximately 53,710 square feet.

Use

Hotel and retail uses are permitted as a matter of right within the DD/C-3-C Zone District. The proposed building use complies with the Zoning Regulations.

Height

The DD/C-3-C Zone District permits a maximum building height of 130 feet at the Property, based on the Act to Regulate the Height of Buildings in the District of Columbia (approved June 1, 1910) (the “**Height Act**”), which provides that the maximum height of a building on the Property may not exceed the lesser of 130 feet, or the width of the street on which the building fronts plus twenty (20) feet [Section 1701.7]. Since the Property fronts on New York Avenue, which has a width of 130 feet, Lot 44 is allowed a maximum building height of 130 feet. The measuring point for height may be selected as the midpoint of the building’s frontage on 10th Street, I Street, or New York Avenue that is the most favorable for the

measurement of height. Since Section 1701.7 utilizes the Height Act, the building's measuring point for height should be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof or parapet. In this case, the level of the sidewalk opposite the middle of the front of the building, and therefore, the measuring point for height, is the point where the sidewalk meets the lot line at the middle of the building along New York Avenue, NW.

The proposed building height is 129 feet, four (4) inches to the top of the parapet and therefore, the building height complies with the Zoning Regulations.

Floor Area Ratio ("FAR")

The DD/C-3-C Zone District permits a maximum FAR of 6.5. All of such square footage may be commercial [Section 771]. The Property was exempted from the residential requirements of the DD Overlay by Zoning Commission Order No. 08-23 which removed the site from Housing Priority Area B.

A building of 345,308 gross square feet (or 6.43 FAR) of commercial use is proposed. The property owner does not require the purchase of combined lot development rights or transferable development rights to construct such commercial building. The proposed FAR complies with the Zoning Regulations.

Lot occupancy

The DD/C-3-C Zone District permits a maximum lot occupancy of 100% for a non-residential building [Section 772]. The project will occupy approximately 77.3% of the Property and therefore complies with the Zoning Regulations.

Rear and side yards and courts

A rear yard with a minimum depth of 2.5 inches per foot of height but no less than twelve (12) feet required in the DD/C-3-C Zone District [Section 774]. Therefore, the proposed building requires a rear yard of 27 feet, one (1) inch, based on a height of 130 feet. Under Section 774.11 of the Zoning Regulations, since the Property abuts three (3) streets, the depth of the rear yard may be measured from the center line of the street abutting the lot at the rear of the building. Therefore, the project provides an approximately 45 foot compliant rear yard utilizing the width of I Street, NW.

There is no side yard requirement for buildings in the C-3-C Zone District, but if a side yard is provided, it must measure at least two (2) inches in width for each foot of building height, but not less than six (6) feet [Section 775.4]. Therefore, since a side yard is provided, the proposed building requires a side yard of 21 feet, eight (8) inches, based on a height of 130 feet. The project provides a compliant side yard of 24 feet on the east side of the Property.

Although courts are not required under the Zoning Regulations, the project provides three (3) courts. Open courts in buildings devoted to non-residential use must have a width of three (3) inches per foot of height measured from the lowest level of the court to its highest point, and not be less than twelve (12) feet [Section 776]. As described on Exhibit A, the highest adjacent wall of the three courts provided on the Property would require open court widths of 22.44 feet.

The three courts provided by the project all comply and have width dimensions of 41 feet, eleven (11) inches, 41 feet, eleven (11) inches, and 55 feet, six (6) inches.

Therefore, the proposed rear yard, side yard, and courts comply with the Zoning Regulations.

Parking

In the DD/C-3-C Zone District, for hotel use, one (1) parking space is required for each four (4) hotel rooms plus one (1) space is required for each 300 square feet of gross floor area in the largest function room or the largest exhibit space. For retail uses, one (1) parking space is required for each additional 750 square feet after the initial 3,000 square feet of such use [Section 2101.1].

The proposal includes approximately 374 hotel units. Therefore, the parking requirement for the hotel rooms is 94 parking spaces. The hotel's largest function or exhibit space is the approximately 8,290 square foot grand ballroom in the below grade space which generates a requirement of 28 parking spaces. The project includes approximately 75,309 square feet of retail. Therefore, the parking requirement for the retail use is 96 parking spaces. The total parking required for the project is 218 parking spaces.

The project would include approximately 225 parking spaces, as shown on Exhibit A. Such parking will be provided through a valet system, in accordance with Sections 2115.9 through 2115.18. There is no upper limit on the amount of parking that may be provided on the Property.

Bicycle parking is not required for hotel, retail and services uses in this Zone District.

Therefore, the proposed parking for the project will satisfy the parking requirements of the Zoning Regulations.

Loading

The DD/C-3-C Zone requires loading in varying amounts depending on the use mix. For retail uses between 30,000 and 100,000 square feet, one (1) 30 foot deep loading berth, one (1) 55 foot deep loading berth, one (1) 100 square foot loading platform, (1) 200 square foot loading platform, and one (1) 20 foot deep loading space are required. For a hotel use of more than 200 rooms, one (1) 55 foot deep loading berth, one (1) 30 foot deep loading berth, 1 (1) 200 square foot loading platform, one (1) 100 square foot loading platform, and one (1) 20 foot deep loading space are required. For a hotel use with function rooms and exhibit spaces of between 10,000 square feet and 50,000 square feet (the project has approximately 12,197 square feet of subgrade function space in total), one (1) 30 foot deep loading berth and one (1) 200 square foot loading platform are required [Section 2101.1].

The project will provide two (2) 55 foot loading berths, three (3) 30' loading berths, two (2) 20' loading spaces, three (3) 100 square foot loading platforms, two (2) 200 square foot loading platforms in the loading area on the project's concourse level. The project's loading area will be managed by two (2) full time dock masters, one (1) dock master dedicated for hotel use

loading and one (1) dock master dedicated for retail use loading. The dock masters will schedule deliveries to minimize vehicular conflicts and crowding.

Section 2204.5 permits buildings with three (3) or more required loading berths in one location to arrange access to a loading berth across the length of one (1) other loading berth. The proposed loading scheme will provide access to one (1) required 30 foot loading berth, over the length of another required 30 foot loading berth. The plans propose to locate two (2) 20 foot loading spaces adjacent to two (2) of the designated loading berths as indicated in the Plans.


The project would include sufficient loading facilities and the access to such spaces is compliant, as shown on Page 2 of Exhibit A. The proposed loading for the project will satisfy the loading requirements of the Zoning Regulations.

Roof structures

The project proposes two (2) new roof structure elements connected by a skylight. These roof structures will be less than the 18 feet, six (6) inch height limitation permitted under the Zoning Regulations [Section 770.6]. Further, such penthouses will be set back from the exterior walls of the building a distance greater than the height of such penthouses. The exterior walls of the building are established by the walls comprising the footprint of the building. In addition, the skylight will be comprised of a bubbled surface that will extend above the height of the adjacent roof structure. Skylights are not required to be of uniform height with the roof structures.

The FAR of the roof structures does not exceed 0.37 FAR. Page 16 of Exhibit A depicts the roof plan for the proposed project. Hotel uses are considered residential uses and therefore are able to construct limited enclosed recreational support uses on the roof. The proposed roof plan includes some enclosed areas intended to support the exterior recreational space on the roof. Such space will comprise approximately 10.1% of the total recreational area on the roof. Further, the enclosed area listed as “catering” will not include cooking functions, but rather food staging and assembly and related functions for the exterior rooftop recreational space. Therefore, the proposed roof plan is compliant with the Zoning Regulations.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Plan Set dated 8-28-13