

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



June 18, 2012

Norman M. Glasgow, Jr.
Steven E. Sher
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2099 Pennsylvania Avenue, N.W. - Suite 100
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Re: FAR for Hotels under Chapter 24

Gentlemen:

This is to follow-up on our discussion on Thursday, April 27, 2012, concerning the FAR permitted for hotels which are part of a planned unit development ("PUD"). Specifically, the table in §2405.2 specifies that "The floor area ratio of all buildings shall not exceed the aggregate of the floor area ratios as permitted in the several zone districts included within the project area." The table then contains the following headings:

FLOOR AREA RATIO (FAR)			
ZONE DISTRICT	RESIDENCE	COMMERCIAL, INCLUDING HOTELS AND MOTELS	TOTAL

You have asked how I would apply that table in the case of a hotel in a *commercial or C- prefixed district*, noting that §§771.7 and 771.8 provide as follows:

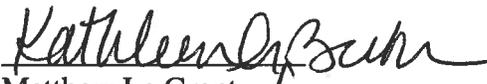
- 771.7 In the computation of gross floor area for a hotel, guestroom areas and service areas shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3.
- 771.8 In the computation of gross floor area for a hotel, function rooms, exhibit space, and commercial adjuncts shall be charged against the floor area ratio for "other permitted use," as specified in §§ 771.1 through 771.3.

It is my conclusion that those two sections would apply to the distribution of FAR in a PUD as well as in a matter-of-right development.

That conclusion is reinforced by the Zoning Commission's treatment of a hotel in the PUD on the property at 2201 M Street, N.W. That PUD was entirely a hotel project. In Order No. 07-21, the Commission approved the PUD under the CR District and, in Condition No. 2, provided that "The PUD shall have a maximum density of 7.84 FAR and a gross floor area of no more than 122,235 square feet." The matter-of-right FAR in the CR District is 6.0, of which no more than 3.0 may be for other than residential purposes. Pursuant to §2405.2, the total FAR for a PUD in a CR District is 8.0, of which no more than 4.0 may be for "commercial, including hotels and motels." The Order contains no indication that the Commission granted any flexibility from that provision, from which I conclude that the Commission treated the hotel as within the overall 8.0 FAR and that the function rooms, exhibit space and commercial adjuncts did not exceed 4.0 FAR. A copy of Order No. 07-21 is attached.

The Commission also approved a modification to that PUD in Order No. 07-21B. Condition No. 2 of Order No. 07-21B provides that "The PUD shall have a maximum density of 7.99 FAR and a gross floor area of no more than 124,479 square feet." Again, that Order contains no indication that the Commission granted any flexibility from the FAR limitations, indicating that the Commission treated the hotel as within the overall 8.0 FAR and that the function rooms, exhibit space and commercial adjuncts did not exceed 4.0 FAR. A copy of Order No. 07-21B is also attached.

Accordingly, unless the Zoning Commission specifically provides otherwise in its order, in its review of any PUD in a commercial district containing a hotel, this office would allocate FAR to the residential and commercial components of FAR as provided for in §§771.7 and 771.8. Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant 
Zoning Administrator

Attachments: PUD Orders 7-21 and 7-21-B