

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *ELS*
Ellen McCarthy, Director

DATE: December 27, 2005

SUBJECT: Office of Planning Final Report on Zoning Commission Case No. 05-36
Consolidated and Preliminary PUD and Map Amendment for Square 749
200 K Street, N.E.

I. SUMMARY OF APPLICATION AND PRELIMINARY OP RECOMMENDATION

The applicant, 200 K Street Limited Partnership, has filed for a PUD and related map amendment that would encompass almost all of Square 749, which is bounded by K, L, 2nd and 3rd Streets, Northeast. (*Attachments 1 and 2*). The PUD would be divided into two parts, with the eastern section, nearest 3rd Street, being a Consolidated PUD, and the western section, nearest 2nd Street being a preliminary PUD.

The consolidated PUD would contain 202 residential units and 5,234 gross square feet of retail space. The preliminary PUD would contain approximately 500 residential units and approximately 9,000 gross square feet of retail space.

The related map amendment would be from C-M-C and C-2-B to C-3-C.

The principal project benefits and amenities would be:

- The dedication of approximately 11% of the PUD's total gross residential floor space to housing that is affordable to households making no more than 80% of the Area Median Income (AMI);
- A 3,000 square foot day care center.

The Office of Planning (OP) recommends the Zoning Commission approve this application, subject to the provision of information noted in Section VI of this report, and subject to the Conditions noted in Section IX of this report.

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CASE NO. 05-36
SUBJECT NO. 16

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ZONING COMMISSION
District of Columbia
CASE NO. 05-36
EXHIBIT NO. 16

II. BACKGROUND

This PUD is identical to the last iteration of a previously approved PUD that lapsed. On November 17, 2005 the Commission denied a fourth time extension request for Case No. 93-3C (Order No. 783). However, the Commission accepted the application filed to modify that PUD as a filing for a new PUD, and agreed to set down this present, new PUD for a public hearing. The applicant's supporting material for this PUD is the Pre-Hearing Statement dated November 28, 2005 as well as the architectural plans of September 13 and September 29, 2005, and the site tabulations and building calculations submitted October 3, 2005.

The PUD incorporates all of Square 749 with the exception of Lots 804, 805 and 31, in the northeast corner of the Square. Square 749 is located in the Northeast Quadrant of the District and is bounded by L Street to the North, 3rd Street to the East, K Street to the South, and 2nd Street to the West. L, 2nd and 3rd Streets have 90-foot rights of way; K Street has a 147-foot right of way.

The applicant controls all properties within the PUD, as well as the three lots outside of the PUD.

Separately, the applicant has also requested that all but 900 square feet of the Square's alley system be closed in conjunction with the PUD (*attachment 4*). This application is still in process.

III. CURRENT APPLICATION

The Consolidated PUD would front on K and 3rd Streets. The Preliminary PUD would have frontage on K, 2nd and L Streets. The locations of the proposed Consolidated and Preliminary PUDs are shown in Attachment 3 and 4.

The Consolidated PUD would contain an approximately 240,947 gross square foot (gsf) building with 202 residential units and 5,234 gross / 3,217 net square feet of retail space at the corner of 3rd and K Streets. The applicant is proffering that for a ten year period, 13.8% of the residential gsf (28 units) in the Consolidated PUD portion of the overall project would be reserved for condominium residences affordable to households earning no more than 80% of the Area Median Income (AMI).

The building's maximum height would measure 90 feet for zoning purposes. It would contain 10 stories at the corner of 3rd and K Streets and along K Street; 9½ stories by mid-block on 3rd Street due to changes in elevation; and would step down to 65 feet and 7 stories at its northern end, adjacent to existing townhouses. The ground floor would have individual townhouse-like entries. There would be a 177 space underground parking garage. The Preliminary PUD area would contain another 25 surface parking spaces for the Phase I residents, until the underground garage is completed in Phase II. When the garage is finished the total number of spaces would provide a parking ratio of 1 space for every residential unit.

The Preliminary PUD building would be 130 feet and 15 stories tall. It would contain approximately 610, 590 gsf, 500 residential units, 9,000 gsf of retail space and 3,000 gsf for a daycare center. Approximately 10% of the residential gsf of the Preliminary PUD portion of the overall project would be set aside as affordable at no more than 80% AMI. The underground parking garage would include at least 525 spaces.

The applicant states that the principal public benefit and amenities of the total PUD would be:

- The reservation of at least 11.07% of the residential gross square footage as affordable units for households earning up to 80% of the Area Median Income (AMI), in both the Consolidated and Preliminary PUD, for a minimum of 10 years – renewable if a resident of an affordable unit sells the unit before the end of the control period. In the Consolidated PUD, 13.8% of the residential GSF would be reserved and 10.0% of the residential GSF in the Preliminary PUD would be reserved, for an average of 11.07%;
- A 27,000 sf plaza that will be open to the public for a significant portion of the day;
- Approximately 12,000 gsf of retail space at the corner of 3rd and K Streets, 2nd and K Streets, and along L Street;
- The ceiling height for the retail space in the Consolidated PUD would be approximately 18' – well above what would typically be required by the Zoning Regulations or by the Commission in certain overlays or PUDs;
- A 3,000 square foot day care center, for which an RFQ has been circulated, in the Second Stage PUD;
- A commitment to a green roof on parts of both proposed buildings;
- The continued exploration of the feasibility of a green and/or low-impact surface or storm water management system for the surface of the courtyard, that also serves as the roof for the parking garage;
- A ratio of 1 parking space to 1 residential unit, which exceeds that required by zoning;
- Interim surface parking for the Consolidated PUD on the Preliminary PUD site, until the Preliminary PUDs garage is finished;
- A flex-car facility in the Preliminary PUD garage.
- Consolidating curb cuts for parking and loading;
- Overall exemplary architecture, including a prohibition on using exterior insulation systems on the building façade and penthouse;
- Differentiating the lower “townhouse” floors and the upper floors of the Consolidated PUD building so that the lower floors would relate to the townhouse scale of neighboring structures;
- Individual entrances for the ground floor units facing 3rd Street;
- Including an “infill” townhouse on Square 749, Lot 805, which is also owned by the applicant, and which is currently vacant, the scale of which residential construction would be similar to the currently adjacent buildings;
- A signed First-Source Employment Agreement;
- A Local, Small and Disadvantaged Business Enterprise (LSDBE) Contracting Memorandum of Understanding (MOU);

- For the Consolidated PUD, making a commitment to file for a building permit no later than one year from the effective date of the PUD approval and commencing construction no later than two years from the effective date of an extension. However, the applicant has conditioned this on completion of the closing of alleys as shown in Exhibit C.6.

IV. SITE AND AREA DESCRIPTION

The site is located just across 2nd Street from the railroad mainlines. This site, and many of the Squares adjacent to the tracks have traditionally been used for light industrial or commercial purposes. Rowhousing has been mixed in with these uses near the tracks. This housing becomes the dominant type of use east of 3rd and 4th Streets, NE. The neighborhood is experiencing rapid change with denser residential uses replacing both the now-derelict industrial and commercial uses, as well as some of the rowhouse blocks. Among the factors influencing this change are: the completion of the New York Avenue Metro Station at 2nd and M Streets, N.E. and; the revitalization planning and re-zoning of the H Street corridor, to the south.

The new developments include:

- The Senate Square redevelopment of the former National Capital Children's Museum into condominiums within the historic museum buildings, and in new high-rise buildings.
- The Rose Company is planning to construct a 65-foot high condominium building on the east side of 3rd Street, across from the applicant's site.
- The Douglas Development Corporation is exploring the construction of retail space within the Uline Arena to the north of the applicant's site, and the construction of an office tower and a residential tower atop the Arena.

V. ZONING AND HISTORIC PRESERVATION CONTEXT (*Attachment 1*)

The site is split-zoned C-M-3/C-2-B. All of the blocks immediately east of the rail tracks, north of H Street, south of Florida Avenue and west of 3rd Street are zoned either industrially (C-M-1 to C-M-3) or mixed use (C-2-A to C-3-B). The east side of 3rd Street is a combination of C-2 and R-4. R-4 is the dominant zone in the area north of H Street, east of 4th Street and south of Florida Avenue

There are no nearby historic districts.

VI. PROJECT DESCRIPTION

The following table summarizes the quantitative aspects, and zoning flexibility requests of the application. These aspects are compared with what would be permitted under the existing zoning as a matter of right, and with what would be permitted under C-3-C zoning as a matter of right.

		Proposed PUD			
Matter of Right (MOR)		Overall	Consolidated PUD	Preliminary PUD	Difference from MOR
Land Area & Zoning Assumption	Split-zoned C-M-3 and C-2-B	26,805 sf C-2-B 74,277 sf C-M-3 TOTAL: 101,082 sf	26,805 sf C-2-B 16,190 sf C-M-3 Subtotal: 42,995 sf	58,087 sf C-M-3	N/A
Permitted & Proposed FARs	3.5 FAR, C-2-B 6.0 FAR, C-M-3 5.4 FAR, blended	8.40 FAR	5.5 FAR	10.54 FAR	+ 3.02 FAR
Gross Floor Areas (gsf)	492,300 max office 48,400 res. TOTAL: 540,700	831,841 gsf residential 17,497 gsf retail (incl. daycare) TOTAL: 849,338 gsf	233,206 gsf residential 3,699 gsf retail Subtotal: 236,905 gsf	598,635 gsf residential 13,798 gsf retail (incl. 3,000 gsf daycare) Subtotal: 612,433 gsf	+ 788,441 gsf residential - 474,807 gsf commercial + 308,638 gsf overall
Approx # of Residential Units	C-2-B, 85 units @ 1000 sf each C-M-3, none	Approx. 702 units	202 units	Approx. 500 units	+ Approx. 500 units
Lot Occupancy	C-2-B, 80% C-M-3, 100%	68,097 68%	27,391 gsf 64%	40,706 gsf 70%	Less intense occupancy
Measurable Height	65' C-2-B 90' C-M-3	130', with stepdowns	1 building primarily @ 90' stepping down to 61'-6" @ N end	1 building of 130', 15 stories	+ 25' C-2-B + 40' C-M-3
Parking	1:3 residential ratio, C-2-B 1 space for each 800 sf in excess of 2,000 sf for office use, C-M-3	Approx. 702 spaces @ 1:1 ratio for residents	177 spaces	Approx. 525 spaces	More than MOR (1:1 ratio, residential)
Benefits & Amenities	---	Approx. 86,971 gsf housing @ 80% AMI = 10.98% of residential gsf. See below for other benefits. ¹	32,182 gsf @ 80% AMI = 13.8 % of residential gsf.	59,859 gsf = @80% AMI = 10.0% of residential gsf.	Affordable housing is 11.07 % of residential gsf

TABLE 1: MATTER OF RIGHT AND PROPOSED PUD COMPARISONS

Office of Planning: December 19, 2005

¹ The Benefits and Amenities package also includes partial green roofs and low impact development, a 3,000 gsf daycare center in the Preliminary PUD, double height retail on the Consolidated PUD, a 27,000 gsf plaza that will be available to the public, and First Source/LSDBE.

Site Plan and Uses

The proposal for the Consolidated PUD has a L-shaped, 90 foot high building fronting on 3rd Street, with step-downs to approximately 65' near the existing townhouses at the northern end of 3rd Street.. The wing on K Street would be 90' high.

The Preliminary PUD would be U-shaped, with frontage on K, 2nd and 3rd Streets. It would be 130 feet high.

These two buildings would be constructed atop an underground garage and almost completely surround a 27,000 plaza. The northeastern corner of the project is outside the PUD's boundaries and contains townhouses fronting on 3rd Street. There is an alley, for which closure has not been requested, immediately behind these houses.

Retail uses would be located at the corners of 2nd and L, and 3rd and K Streets, and along L Street to about mid-block.

Parking and loading would be consolidated into two areas:

- Just west of the alley behind the out-parcel townhouses;
- South of the corner of 2nd and K Street.

Architecture

For the Consolidated PUD, the buildings would be primarily three shades of brick and pre-case concrete trim caps and cornices. There will be no EIFS.

The 1st through 3rd floor would be red brick, capped with a cornice; the 4th through 8th floors would be set back 4 feet and would be a tan brick capped with a cornice. The tallest portion of the building would be a light beige brick, topped with a cornice.

Both buildings would include two to three story bases that emulate Washington rowhouse designs, and that have entrances from both the fronting streets and from the project's interior.

There would be balconies on the 4th through 10th floors.

The Preliminary PUD building would be of similar construction and materials, and would have two wings connected by a glass corridor between floors two and twelve. The open area beneath the glass connection would be the principal public entry into the central plaza.

Benefits and Project Amenities

The applicant's list of public benefits and amenities proposed by the applicant is in Section III of this report.

The most significant part of the amenities package is the affordable housing proffer. The applicant is offering to dedicate approximately 10.98% of the *total* residential space, not just the bonus density, to housing affordable to households earning no more than 80% of the AMI. On a percentage basis, the 74,600 net square feet (86,971 gsf) of affordable housing is the largest percentage of a project total that a private developer has ever offered for a PUD that does not include government land.

VII. PUD EVALUATION STANDARD § 2403.4 RELATIONSHIP TO THE COMPREHENSIVE PLAN (10 DCMR)

The Zoning Commission had found that a previous PUD for this site, with equivalent square footage disposed among residential, retail and office uses was not inconsistent with the Comprehensive Plan.

For the present, primarily residential PUD, there are several relevant Comprehensive Plan elements with which the proposal is not inconsistent:

The Land Use Element encourages a substantial amount of new housing primarily near Metrorail Stations. The site is 2 ½ blocks from the New York Avenue Metro station. The following objective would apply:

- § 1134. *The objectives for metrorail station area development are to concentrate planning and development attention on metrorail station areas which offer opportunities for redevelopment and new growth, particularly in those station areas that have large amounts of vacant or poorly utilized land, and to maximize development where possible, thus promoting increased ridership for the transit system, assisting the District to perform its critical role as the urban center for the region, providing substantially increased amount of housing and jobs, and generally enhancing the District's economic development efforts.*

The Land Use Element also includes the following objectives to support residential neighborhoods:

- § 1102.1: *(a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique; (b) To enhance other neighborhoods and achieve stability; (c) To redirect public and private initiatives to neighborhoods most in need of improvement and stability; (d) To encourage development of adequate neighborhood shopping and support services in all sections of the District; (e) To protect residential neighborhoods from disruptive uses....*
- § 1104.1 (b): *Encourage the retention and expansion of residential uses in mixed used neighborhoods to help maintain the residential character of these areas, through modification of land use and related regulations when necessary.*

In OP's opinion, the proposed project would meet these objectives by redeveloping a now-vacant tract with over 700 units of housing and 12,000 sf of neighborhood serving retail uses

The Housing Element policies also seem to support the construction of housing on this site, which is near Metro and provides 11% of its residential development to moderate income residents.

- § 302.2 (d) states: *Designate, as residential development opportunity areas, sites where significant housing development can appropriately occur and encourage multi-unit housing development near selected Metrorail stations, at locations adjacent to Downtown, and adjacent to proposed employment centers and office areas;*
- § 302.2 (e) states: *Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused... with particular emphasis upon the needs of low-and moderate-income residents;*
- § 303.3 (d) states: *Provide zoning incentives, as appropriate, to developers prepared to build low and moderate income housing, such as permitting additional densities in exchange for incorporating low and moderate-income housing in development projects.*

The Transportation Element includes the following objective in support of denser housing development near appropriate Metro stations:

- § 502.1 (a): *Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations.*

The proposal does not appear to be inconsistent with the Ward 6 Objectives for Housing:

- § 1705.1 (a): *To maintain and strengthen the quality and construction of housing in the various neighborhoods throughout Ward 6...*
- § 1705.1(b): *To stimulate production in Ward 6 of new and rehabilitated housing...*

In OP's opinion, the application is not inconsistent with the ten major themes of the Comprehensive Plan, as stated in Section 101.1

Table 4: Consistency With Comprehensive Plan Themes

Theme	Not Inconsistent W/ Comp Plan?	Discussion
Stabilize/improve neighborhoods	Yes	Provides both market rate and affordable housing in existing residential neighborhood
Increase quantity/quality of employment opportunities	Some	The 12,000 square feet of retail uses will have employees.
Develop Living downtown	N/A	
Preserve/promote cultural/natural amenities	N/A	
Respect/improve physical character	Yes	Site is now vacant
Preserve/ensure community input	Yes	Project reviewed by ANC and civic association several times over 12 years and is supported by ANC
Preserve historic character	Somewhat	Architecture of first three floors is keyed to existing townhouse types.
Strengthen DC as economic hub	Uncertain	While offices would create more jobs, housing generates more tax revenue to contribute to fiscal health of District
Enhance public safety	Yes	Site vacant and has been a neighborhood problem for years.
Provide for diversity and overall social responsibilities	Yes	11% of residential GSF will be devoted to moderate income housing.

The proposal is also not inconsistent with the H Street Corridor revitalization plan of 2004.

VIII. CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF SECTION 2400

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The proposal appears to be generally consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400. It will, however, require the submission of additional information in some areas before a public hearing.

A. Quantitative Standards

- In the existing zone districts, and in the proposed C-3-C zone, a PUD has a 15,000 square foot minimum lot area. This 4 acre project meets that standard [Section 2401.1(c)].
- The maximum Floor Area Ratio may not exceed 5.4 for a PUD under the existing mix of C-M-3 and C-2-B M zoning and 8.0 for a PUD in the proposed C-3-C zone. At an FAR of 8.4, the proposal would not comply with these standards, and would be required to seek a 5% increase in the FAR under § 2405.3, which the Commission may do “provided, that the increase is essential to the successful functioning of the project...”.

The applicant has stressed that the 0.40 FAR bonus “provides approximately 40,433 square feet, enough for approximately 37 residential units. These bonus units make it economically feasible for the Applicant to provide the total of approximately 78 affordable units at below-market rates”²

OP believes that the applicant needs to submit additional information to demonstrate that the 78 affordable units cannot be provided without the additional FAR. Depending on this information, the Commission may wish to discuss possible trade offs in the number of affordable units versus the 0.4 FAR density bonus.

- The maximum height may not exceed 90 feet for a PUD in the M and C-2-B zones, and may not exceed 130 feet for a PUD in the proposed C-3-C zone, provided this complies with the Height Act. At a maximum of 110 feet on the K Street right of way of 147 feet, the PUD would comply with these standards.

B. Discretionary Standards

Other regulations, from which the PUD may vary subject to a public hearing and Zoning Commission approval, include:

- Greater or lesser requirements for yards or courts or lot occupancy (Sections 2406.4 and 2405.5), “depending on the exact circumstances of the project”. The applicant is requesting no relief from these standards.
- Relief from the mechanical penthouse setback requirements of Section 400.7 and 411. The applicant is not requesting relief from these standards. However, in OP’s opinion Sheet A1.11 of the applicant’s September 13, 2005 plan submission does not make it clear that a setback variance is not needed for at least one roof structure in the Consolidated PUD. The applicant needs to clarify this before the public hearing.
- Relief from the prohibition on multiple roof structures (Section 411.3). The applicant is not requesting relief from this standard, but clearly needs to do so.
- Relief from off-street parking and loading berth facilities requirements of Section 2201.1. The applicant is not requesting relief. However, OP believes that the location of the loading facilities for the retail space at the corner of 3rd and K Streets needs to be clarified before the public hearing. OP will rely on DDOT analysis for its final recommendation, and notes that DDOT had already supported an identical proposal on this site (PUD Case No. 01-28).

² Applicant Pre-Hearing Statement, September 13, 2005, page 15.

- Relief from requirements for residential recreation space of §773.3. While the proposal includes 27,000 square feet of open space, the applicant will need to demonstrate that this meets the residential recreation space requirements before the public hearing.

C. Impact on Surrounding Area and Operation of City Services and Facilities (§ 2403.3)

These include the following:

- Water and Sewer Capacity;
- Schools' Capacity;
- Public Safety;
- Environmental Quality;
- Neighborhood Stability;
- Parking and Traffic;

The applicant has adequately demonstrated that the proposed PUD will have a beneficial impact on the neighborhood stability, parking and traffic, environmental quality and public safety. However, in OP's opinion, the applicant has not yet demonstrated the impact of the proposed PUD on the water and sewer systems, or the schools' capacity.

D. PUD Benefits and Amenities

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan.

Public benefits are defined in Section 2403.5 as "superior features...that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under...matter or right..." Amenities are defined in Section 2403.7 as including "one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors".

Amenities and Benefits in Relation to the Degree of Flexibility Requested

The applicant has noted that it will provide several benefits and amenities. These are listed above in Section III. In OP's opinion, the combination of these offerings, and particularly the provision of the approximately 78 units of affordable housing (11% of the project's residential GSF) will result in a project superior to what could be developed as a matter of right. The benefits and amenities are appropriate in relation to the degree of flexibility requested.

IX. REMAINING ISSUES

There are items that need to be addressed. These include:

- a. Providing additional information on the relationship between the requested 0.4 bonus density requested under § 2406.3 and the provision of approximately 78 units of affordable housing. *(Prior to public hearing)*
- b. Clarifying whether a variance from § 400.7 or § 411 is needed for any roof structure setbacks in the Consolidated PUD *(Prior to public hearing)*
- c. Requesting relief from § 411.3's prohibition on multiple roof structures. *(Prior to public hearing)*
- d. Clarifying the location of loading facilities required by §2201.1 for the retail space at 3rd and K Streets. *(Prior to public hearing)*
- e. Clarification how the project meets the residential recreation space requirements of § 773.3 *(Prior to public hearing)*
- f. Providing information on the impact of the proposed PUD on the water and sewer systems, or the schools' capacity.
- g. Clarifying the proposed times that the central plaza would be open to the public and what restrictions there would be on its usage. *(Prior to proposed action);*
- h. Submitting general pervious surface specifications for the interim Consolidated PUD surface parking area that is to be located within the boundaries of the Preliminary PUD. *(Prior to proposed action);*
- i. Submitting interim landscaping and maintenance plans for the Preliminary PUD area consistent with staging needs for the Consolidated PUD. *(Prior to proposed action);*
- j. Specifying planting types for the Preliminary PUD landscaping and green roof areas. *(Prior to proposed action);*
- k. Drafting an Affordable Housing Covenant for the Consolidated PUD. *(Prior to proposed action);*
- l. Updating the 1995 LSDBE Contracting MOA. *(Prior to proposed action);*
- m. Designating the Affordable Units in the Consolidated PUD drawings. *(Prior to signing of PUD covenant);*

- n. Exploring greater variety to massing and heights in the Preliminary PUD, especially step-downs to the 90 foot height of the Consolidated PUD along K Street. This would include presentation of an alternative for the Preliminary PUD that maintains a 90 foot height along K Street for a distance of 40 feet back from the building line. *(at 2nd stage filing)*

X. COMMUNITY RESPONSE

ANC 6C voted 7-1 to approve this new PUD on December 14, 2005, with the interim parking provisions noted above.

OP understands the community's concern about the parking-impact of vehicles owned by the residents of 700 new housing units. However, OP notes that this project will be less than three blocks from a Metro and will have at least 10% of its residential units devoted to affordable housing, and will include a Flex-Car/ Zip Car facility.

OP notes that at the ANC's recent meetings, and at a public forum sponsored by the ANC on October 18, 2005, several members of the community expressed concern about:

- The 130' height of the Preliminary PUD along K Street
- The unbroken 90' to 130 foot wall that the project would present on K Street.

OP addresses the height concern expressed by the ANC in one of the Conditions noted. The alternative studies would be presented as part of the Second Stage application.

XI. OTHER GOVERNMENT AGENCY RESPONSES

There are no other government agency responses on file for this PUD. However, DDOT, the Department of Housing and Community Development, and the Deputy Mayor for Economic Development and Planning had written in support of the previous, identical PUD modification.

DHCD has already expressed its commitment to assisting with the administration of PUD-related affordable housing. OP will review any affordable housing agreements with DHCD prior to final action by the Zoning Commission.

XII. OP RECOMMENDATION

OP finds the application "not inconsistent" with the Comprehensive Plan.

OP recommends that the Commission approve the PUD, subject to the following conditions:

1. The applicant shall provide the information noted in Section VIII of this report.
2. The Consolidated PUD shall be constructed according to the plans submitted on November 29, 2005 (i.e., September 13, 2005 plans as amended September 29, 2005).

3. The Preliminary PUD shall be restudied to address the height issue noted in Section V (b) of this report. In particular, in response to ANC concerns, when filing the Second Stage PUD application for the Preliminary PUD, the applicant shall submit an alternative that maintains a 90 foot building height along K Street for at least 40 feet back from the building line.
4. The applicant shall file for a building permit no later than 18 months from the effective date of the final order and commence construction no later than 30 months from the effective date of this order.
5. At least 13.8% of the Consolidated PUD's residential gross square footage shall be made available as for-sale units to households earning no more than 80% of the AMI. The units shall remain affordable for at least 10 years after their initial sale. The sale of a unit within this 10 year period shall initiate a new 10 year affordability period for the unit. The units shall be evenly distributed throughout first five floors of the building. The location and square footages of the affordable units shall be agreed upon by the applicant and the Zoning Commission prior to the signing of the PUD covenant.
6. At least 10% of the Preliminary PUD's residential gross square footage shall be made available as rental or for-sale units to households earning no more than 80% of the AMI. If the units are for-sale, the terms of Condition 5 shall apply. If the units are rental, they shall remain affordable for no less than 25 years.
7. The applicant shall construct an infill all-residential building in Square 749, Lot 805. The building shall be no higher than 50 feet. The occupancy permit for the Second Stage of the Preliminary PUD shall not be issued until the occupancy permit has been issued for the residential structure at Square 749, Lot 805.
8. The applicant shall provide for a rental car option similar to Flex Car or Zip Car when the Preliminary PUD's garage is completed.
9. The applicant shall include a letter of intent, with general details on rental terms, etc. for the operation of the 3,000 foot day care center when filing the Second Stage PUD application;
10. The ground floor retail space in the Second Stage PUD shall have an interior clear height of no less than 14 feet.

emc/slc

attachments



Feature Key

- Zoning Boundaries
- Square Index

Ortho-Photography was taken in 1999.

Zoning Commission
Case No. #01-28TE/93-3C
200 K Street PUD Site



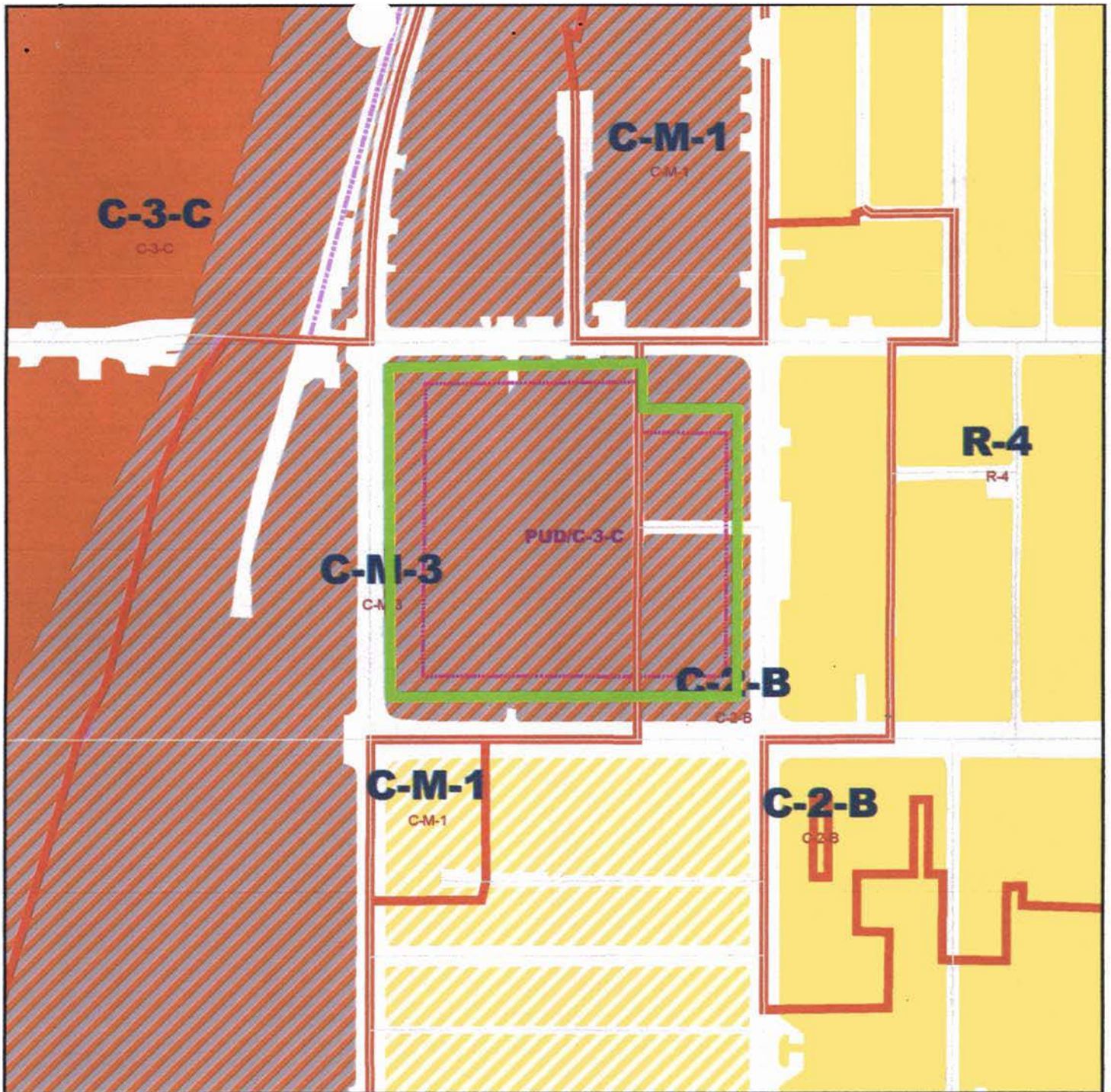
DC Office of Planning
December 1, 2001

Scale 1:6680

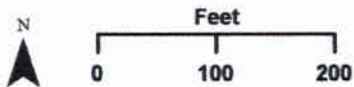


200505 For
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Attachment 1



District of Columbia



★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ Feb 23, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery ©2003 Pictometry International

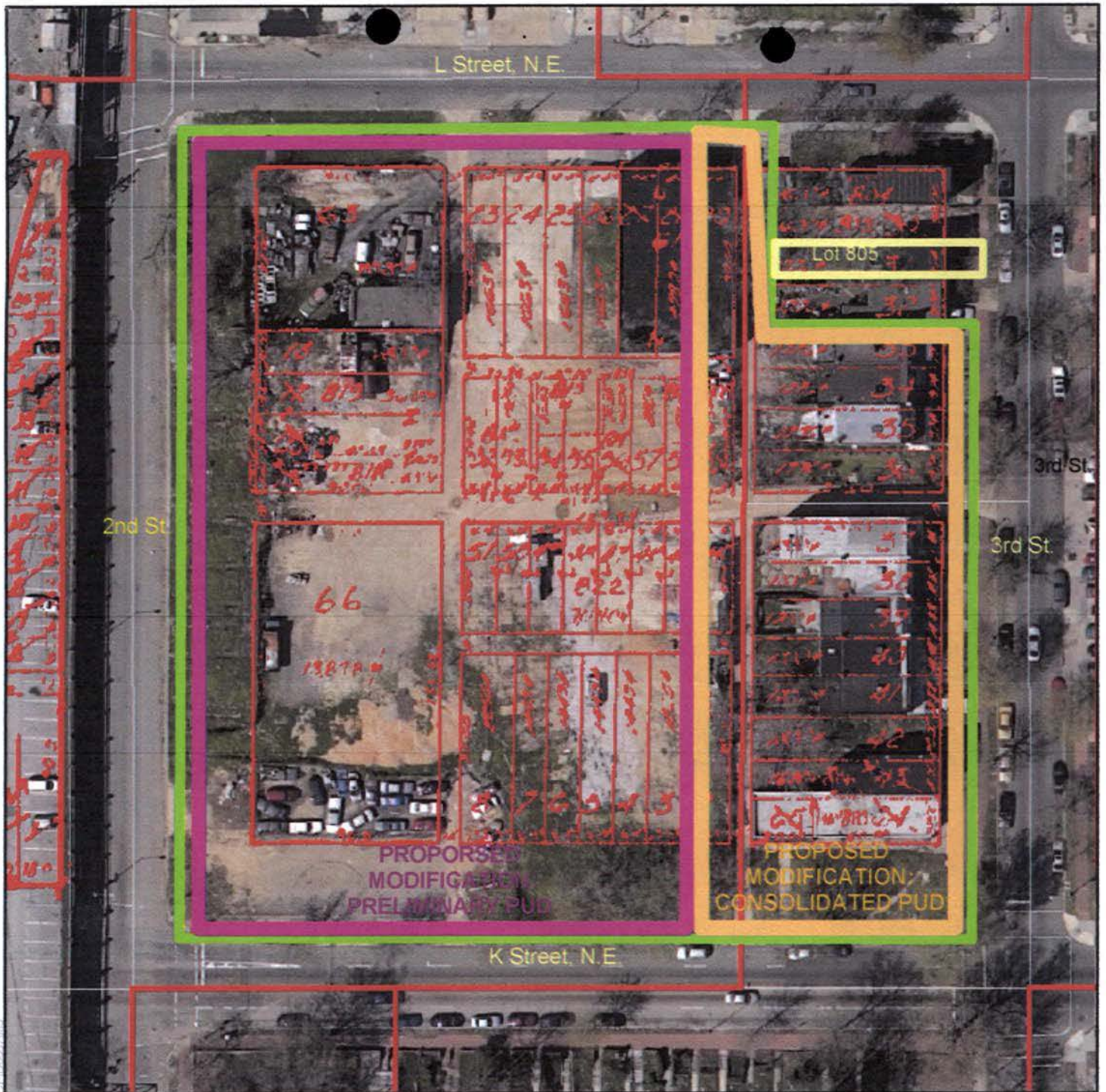
Zoning Commission Case No. 05-36 Consolidated & Preliminary PUD at 200 K Street, NE Comprehensive Plan Generalized Land Use Current Zoning

Attachment 2

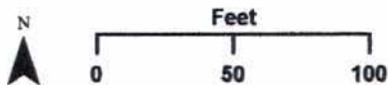


- Residential-Medium Density
- Commercial-Medium Density
- Commercial-Medium-High Density

- Mixed Use
- CMOD, RMED
- CMED, RMOD
- CMED, RMED, PROTECH
- CMHD, PROTECH



District of Columbia



★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ December 23, 2005

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.
Oblique imagery ©2003 Pictometry International

Zoning Commission Case No. 05-36 Consolidated & Preliminary PUD at 200 K Street, NE SITE CLOSE-UP

 Water

 Street Centerlines

 Zoning Districts

Attachment 3

Consolidated PUD in Orange
Preliminary PUD in Purple
Outlying Residential Site in Yellow



Alleys in Process of Being Closed: In Red

Approved PUD: Outlined In Light Green

Zoning Commission Case No. 05-36 Consolidated & Preliminary PUD at 200 K Street, NE



Office of Planning – February 23, 2005

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Approved PUD: Total of Purple and Orange Areas

Modified PUD

- Consolidated PUD: In Orange
- Preliminary PUD: Inn Purple

Feet
0 50 100

Government of the
District of Columbia
Anthony A. Williams, Mayor



Attachment 4