

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *EM* *fa*
Andrew Altman, Director
DATE: December 10, 2001
SUBJECT: Zoning Commission Case No. 01-07C, 1700 – 1730 K Street
Office of Planning Status Update

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of this application, based on the applicant's expressed willingness to comply with the linkage contribution recommended by the D.C. Department of Housing and Community Development (DHCD) in its previously submitted memo on the subject.

The Office of Planning had prepared a response to counsel for the applicant, regarding policy questions relating to the level of contribution to affordable housing required by 11 DCMR Section 2404. However, the Office of the Deputy Mayor for Planning and Economic Development (DMPED) has indicated that, since this would represent a statement of policy on this issue, DMPED would like the opportunity to weigh in on the matter as well. This is consistent with the Commission's expressed desire to have additional input on this question, since the regulations do not provide specific guidance on the issue of what share of the total cost of affordable housing should be borne by a Planned Unit Development (PUD) applicant, in cases where the applicant is relying on a third party provider to develop the required linkage housing by virtue of a "business arrangement".

However, OP understands that the applicant needs a quick approval from the Commission, since it must begin relocating tenants before it can initiate demolition and new construction on the site. Therefore, OP suggests that the Commission approve the PUD application, with the condition that the full amount requested by DHCD -- \$520,470 -- be provided for the rehabilitation of the Trenton Park Apartment project. If the Commission were to determine, after further consideration of the linkage policy, that such payment should be reduced, the PUD order could be modified accordingly.

ZONING COMMISSION
District of Columbia

Case 01-07C 801 North Capitol Street, N.E., Suite 4000, Washington, D.C. 20002 202-442-7600, fax 202-442-7637 or 7638

Exhibit 47

ZONING COMMISSION
District of Columbia
CASE NO.01-07
EXHIBIT NO.47

DETAILED CONSIDERATIONS

(OP's) Final Report on this application, transmitted to the Commission on October 1, 2001, recommended the Zoning Commission " *approve the application... subject to the Commission's satisfactory consideration and resolution of the following additional conditions:*

- *Presentation of additional light and shadow studies at the public hearing, including presentation of a massing model and materials and lighting proposed for the K Street retail frontage and the underside of the proposed cantilever, and redesign of the retail frontage if concluded appropriate by the Commission;*
- *The enforceability of and appropriate level of contribution to the applicant's affordable housing agreement. The applicant and Jubilee Enterprise have currently agreed to \$320,000 to provide for the rehabilitation or construction of the 12,765 square feet of housing required by Section 2404.6, plus the approximately 3,900 square feet of additional "amenity" housing construction proffered by the applicant. The Office of Planning will submit a supplemental report evaluating the appropriate level of contribution.*
- *As part of the amenities package, a contribution to the rehabilitation of Farragut Square or other nearby public space that is deemed acceptable by the National Park Service, the Downtown BID, or another government agency or non-profit group assisting in the rehabilitation of the Square or other nearby public space."¹*

At the public hearing and in its Memoranda of November 9 and 27, 2001, the applicant presented additional information regarding the above items.

- The Office of Planning now considers the matter of the contribution to Farragut Square as part of the amenities package to be satisfactorily resolved.
- With respect to the K Street façade, we recommend approval for the design, contingent on the applicant's promised use of reflective materials, clear glass on retail spaces, and photo-sensitive lighting on the underside of the arcade, in order to compensate for any daytime shadows or overcast weather.
- There remains only one remaining area of concern. This is on the broader issue of the adequacy of the affordable housing component of the applicant's proposal. OP, the applicant, and the Deputy Mayor for Planning and Economic Development agree that this case raises serious issues with respect to the interpretation of the housing linkage policies in 11DCMR, Section 2404. These matters need additional discussion.

¹ OP Final Report on Application No. 01-07C, October 1, 2001, pp. 14-15

OP therefore requests that the Commission approve the subject application, at the full funding level recommended in the DHCD report for the rehabilitation of affordable housing at Trenton Park Apartments. The Commission should defer articulation of a policy with regard to the ratio of linkage payments to the cost of the housing required until the Deputy Mayor for Planning and Economic Development finalizes such a policy and submits it to the Commission.

OP has discussed this proposal with the applicant, and the applicant has agreed.

Aa/sc