FLGA

October 21, 2004

Zoning Commission for the
District of Columbia
DC Office of Zoning
441 4th Street, NW
Suite 210S
Washington, DC 20001

RE: ZC Case # 01-28TE-200 K Street, NE-Approved PUD-Square 749

Dear Members of the Commission:

We were advised by the DC Office of Planning (DCOP) that the Zoning Commission has requested the status of the 200 K Street PUD. This letter services as that status/update. Additionally, we are requesting that the Zoning Commission takes no action until we provide the DCOP with information requested and revised plans.

As background, a modification to the approved PUD at 200 K Street, NE was filed on May 14, 2004. It was forwarded to the (DCOP) for comment and report. On June 24, 2004 we received correspondence (see attached) from the DCOP requesting additional information and revised plans. We have met with DCOP several times since the receipt of its comments. As the result of our most recent meeting with the DCOP on October 7, 2004, we agreed to submit the revised plans by mid-January 2005.

Additionally, DCOP has agreed to assist us with expediting the temporary closing of the alleys within Square 749, in order to secure the property in response to concerns raised by residents in the area.

We appreciate your assistance and patience with this project. We are committed to moving forward in the most timely and efficient manner. Thanks you.

Kind regards,

Fred Greene

Enclosure
cc: DCOP

ZONING COMMISSION
District of Columbia
CASE NO. 01-28TE
EXHIBIT NO. 42

ZONING COMMISSION
District of Columbia
CASE NO.01-28
EXHIBIT NO.42

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Mr. Fred Greene
FLGA LLC Real Estate Group
1230 31st Street, NW
Washington, DC 20007

June 24, 2004

RE: Zoning Commission Case No. 01-28TE
Request for Approval of a Modification and Time Extension to an Approved PUD at 200 K Street, N.E.

The Office of Planning has reviewed the May 14, 2004 supplemental filing on the above-noted case. The filing responds to a number of OP concerns, particularly with respect to the division of the project into a Preliminary PUD and a Consolidated PUD. However, before we can write our report to the Zoning Commission we need additional information about the overall project, clarification of a few matters specific to Phases I and II, and revisions to the Phase II concept that are responsive to issues the applicant and OP had previously discussed.

Additional Information Needed About Overall Project

1. The application needs the tabulation of development data required by 11DCMR §2406.11(e).
   - The design and size of the proposed project has changed significantly since it was last reviewed by the Zoning Commission.

2. What is the surveyed area of the PUD, and what is that area in relation to the different phases of the PUD?
   - Please make clear:
     - The net area of the private property intended to be in the PUD;
     - The area of the alleys for which the applicant is requesting closure and that are intended to be in the PUD.
   - Please include the survey.

Phase I, the Modified Consolidated PUD

The re-design, as described by GTM Architects on the first page of Tab H, responds to most of our earlier concerns. The first phase will consist of an underground parking garage, with a 136,537 gross square foot stepped, six-story residential building and courtyard on top. There will be at least 2600 square feet of retail space at the corner of K and 3rd Streets. There will be 51 market rate units ranging from 1 to 3 bedrooms. Details about streetscape, landscaping and entrances are described under Tab H.

OP has the following questions about this phase:

3. What are the square footages and dimensions of the land area that is currently zoned C-M-3 that would be involved in Phase I?
   - Please distinguish between the area that is privately held and the area that currently remains public alley, but for which closure for PUD purposes has been requested.

4. What are the square footages and dimensions of the land area that is currently zoned C-2-B that would be involved in Phase I?
   - Please distinguish between the area that is privately held and the area that currently remains public alley, but for which closure for PUD purposes has been requested.

5. Where is the loading berth for the apartment building?

6. How many parking spaces are planned for this phase?
   - The figures in the text and on the architect's drawings are not consistent

7. Does the applicant intend to market the units as condominiums or as rental units?

8. What are the plans for the applicant's constructing an "infill" townhouse on the vacant, applicant-owned Square 749, Lot 805, as was previously discussed?

9. What consideration has been given to use of green roofing materials, as had been discussed previously?

The Modified Preliminary PUD (a.k.a. Phase II)

This is described as consisting of a parking garage, on top of which will be three buildings totaling 599,859 gross square feet. Each building will have 14-foot high ground floors and will contain some retail space on that floor. There will be a 14-story, 148, 256 gsf, residential building fronting on K Street; a 138,602 gsf, 13-story office building fronting on K Street and Second Street, and; a 313,001 gsf, 13 story office building fronting on L and 2nd Streets.

OP has the following questions about this phase:

10. What portion, if any, of the square footages and dimensions of the land area that is currently zoned C-M-3 and that is indicated as being part of the Preliminary PUD, is within alley right of way that the applicant has be closed for the purposes of the PUD?

11. How many apartments are intended for the Preliminary PUD phase?
    - The narrative states 160; the architect's drawings indicate 143.

12. How much retail will be in this phase?
    - The narrative states 8,000 sf; the architect's drawings indicate 11,000 sf.

13. Is the applicant intending to construct the street and signalization improvements that had been required as a condition of the approved PUD, and if not, why not?

In addition to the above information requests, the Preliminary PUD (Phase II) portion of the modification and extension application needs to be modified as follows in order to respond to the concerns OP has expressed in its conversations with the applicant this year.

14. There needs to be a more specific statement of the public benefits of the PUD, as modified.

15. There needs to be a more specific statement of the revised amenities package.
    - The statement needs to relate the amenities package to the zoning relief now being requested by the modified PUD, as well as to the PUD and amenities package previously approved by the Zoning Commission.

16. The site plan and/or design of the semi-private outdoor spaces needs to be modified.
    - As discussed previously, the site plan no longer provides a useful amenity for pedestrians and the general public.

17. The building-massing concept needs to be revised in order to reduce the buildings' apparent bulk;

18. There needs to be a specific commitment to affordable housing.
    - The application should state the minimum number of affordable units that will be provided and state the total square footage of those units is in relation to the bonus density that would be achieved by the modified PUD.

We need this additional information in order to prepare our report to the Zoning Commission. Please contact me, or Jennifer Steingasser, if you have any questions.