GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy, Interim Director

DATE: March 4, 2005

RECEIVED
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2005 MAR -4 AM 11:35
ZONING COMMISSION
District of Columbia
CASE NO. 01-28TE
EXHIBIT NO. 45

SUBJECT: Office of Planning Preliminary Report on Zoning Commission Case No. 01-28TE Time Extension for and Major Modification to an Approved Consolidated PUD and Map Amendment – 200 K Street, N.E.

I. SUMMARY OF APPLICATION AND PRELIMINARY OP RECOMMENDATON

The applicant, Ronald Cohen Investments has filed for an extension and major modification to an approved PUD in Square 749 in Northeast Washington (*Attachments 1 and 2*). The modifications include a request to divide the PUD into a Consolidated PUD and a Preliminary PUD (*Attachment 3*), as well as a proffer to dedicate over 13% 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).

The Office of Planning (OP) recommends the Zoning Commission set this application down for a public hearing, and ask the applicant to address several remaining questions in its pre-hearing statement.

II. BACKGROUND

The Zoning Commission approved the PUD in March 1995. The effective date for zoning Commission Order No. 783 was September 11, 1995. The PUD has been extended three times by the Zoning Commission. The last Order, effective January 21, 2000, extended the PUD until October 27, 2001, by which time a building permit request was to have been filed; construction was to have started by October 27, 2002.

The approved 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. The approved PUD includes a 12 story, 130' high, office building on the 2nd Street side of the site, with 615,546 square feet, and an approximately 200 unit (196,758 square feet) residential building whose height rises from 40 feet to 130 feet through a series of

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setbacks from 3rd Street. The PUD's public benefits and amenities were to have included a 30,000 square foot plaza and, within the commercial square footage noted above, a 60,000 square foot employment-training center, a day care facility, and a possible grocery store. The PUD has an approved FAR of 8.0.

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

On October 25, 2001, Ronald Cohen Investments filed a timely request for an extension of Zoning Commission Order Numbers 783, 783-A and 783-B inclusive. Responding to a series of conversations with the Office of Planning (OP), ANC 6C and the community, the applicant amended that extension request to include a major modification to the approved PUD. That modification was filed on May 14, 2004 and modified again with a new filing on January 18, 2005.

The PUD boundaries remain the same. However, the modification would divide the approved Consolidated PUD into a Consolidated PUD and a Preliminary PUD. 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 modified Consolidated and Preliminary PUDs are shown in Attachment 3 and 4.

The Consolidated PUD would contain a 239,720 square foot building with 150 residential units and 3,600 square feet of retail space at the corner of 3rd and K Streets. 12.24% of the units in the Consolidated PUD portion of the overall project would be reserved for residences affordable to households earning no more than 80% of the Area Median Income (AMI)[1]. 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, 9 ½ stories for most of the length of 3rd Street, and would step down to 65 feet and 6 stories at its northern end, adjacent to existing townhouses. The 3rd street façade would have individual townhouse-like entries. There would be a 170 space underground parking garage.

The Preliminary PUD would contain two buildings, each 130 feet high and containing 616, 452 gsf between them The 302,820 sf residential building at 2nd and K Streets would contain approximately 213 residential units and 6,000 square feet of retail space. 15% of the residential gsf of the Preliminary PUD portion of the overall project would be affordable at no more than

[1] The January 17, 2005 modification states that 15% of the total residential space in the Consolidated PUD would be devoted to affordable housing. However, the 28,953 square foot figure noted represents 15% of the net residential square footage, not the gross. OP has used the more standard gsf measurement method. The applicant has used the gsf standard in describing the percentage of affordable housing in the Preliminary PUD.

80% AMI. This building would share a party wall on K Street with the residential building in the Consolidated PUD. The 313,502 square foot office building at 2nd and L Streets, would include 10,000 square feet of retail space along L Street. The underground parking garage would include approximately 420 spaces.

The principal public benefit and amenity for both the Consolidated and Preliminary PUDs would be the reservation of affordable units at 80% of the AMI. The Consolidated PUD would reserve 12.24% of the residential space and the Preliminary PUD would reserve 15% of the gross residential floor area, for an overall project average of 13.8% of the residential floor area. A secondary amenity would be the provision of double-height retail space.

IV. ANALYSIS

The modified PUD differs in several ways from the approved PUD. The differences are compared in more detail in Table 1.

The modified proposal contains three buildings, rather than the approved two buildings. The modified proposal has a 90 foot high building on 3rd Street, with no setbacks from the street, rather than the approved 110 foot building, that was to have had setbacks. However, the modified proposal does step down towards the townhouses that will remain at the northern end of 3rd Street – something not done in the approved PUD.

The modified proposal contains significantly more housing and significantly less office and retail space than the approved PUD.

The proposed amenities package has also been modified. The approved PUD contained a 30,000 square foot public plaza as well as 60,000 square feet retail and vocational education facilities that would serve the public. The applicant was also required to provide certain street and signalization improvements at 2nd and L Streets, 3rd and L Streets, the widening of 2nd Street, and a transportation management plan. These proffers are not mentioned in the modified application. In the modified PUD, the public access features have been eliminated at OP's suggestion, and the retail space has been reduced. However, the ceiling height for the remaining retail space has been significantly increased for the better, to approximately 18' – well above what would be required by the zoning text amendment currently being considered by the Commission.

The most significant difference in the amenities package is a very positive new proffer. The applicant is offering to dedicate 13.8% of the *total* residential space[2], not just the bonus density, to housing affordable to households earning no more than 80% of the AMI. On a percentage basis, the 73,481 square feet 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.

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[2] See footnote No. 1.

Table 1 (attached) compares: 1) the development that would be permitted on the site as a matter of right under existing zoning; 2) the PUD the Commission has approved, and; 3) the PUD as the applicant is now requesting that it be modified

The January 18, 2005 revised modification addresses many of the issues OP had raised with the applicant, including:

- Having individual entrances for the ground floor units facing 3rd Street;
- Differentiating the lower and upper floors of the Consolidated PUD building so that the lower floors would relate to the townhouse scale of neighboring structures;
- Locating the garage curb cut at least 100 feet west of the building line at 3rd and K Streets;
- Including neighborhood serving retail at the corner of 3rd and K Streets, 2nd and K Streets, and along L Street;
- Increasing the floor-to-ceiling height of the retail space to well over 14 feet;
- Eliminating lay-bys and retaining existing sidewalk and curb lines wherever curb cuts are not proposed;
- Decreasing the importance placed on public access to the internal open space, and providing the opportunity for better internal-block security.

The revised project would also provide approximately 73 units[3] of on-site affordable housing at a time when the District is facing a serious affordability problem.

V. REMAINING ISSUES

OP has been continuing to discuss several project-related concerns and possibilities with the applicant. We believe the application would benefit from additional consideration of several items, and that the consideration should be addressed in the applicant's pre-hearing statement. The considerations include:

a. Clarifying the ownership of all of the properties involved in the PUD;
b. Reducing the requested FAR from 8.47 to 8.4—a level that the Commission can consider for a C-3-C PUD under 11DCMR § 2405.3 --and then discussing how the requested additional 0.4 FAR meets the tests of 11DCMR §2405.3;
c. Using percent of residential gsf as a consistent standard for measuring the percentage of affordable housing throughout the phases of the PUD;
d. Strengthening the visual differentiation between the "townhouse" units on 3rd Street and the upper stories, by giving greater variety to the lower stories' facades, providing some setbacks for the upper stories, varying the massing, etc.;
e. Specifying the Consolidated PUD's building materials, and providing samples of them;
f. Avoiding the use of exterior insulation systems on the building façade and penthouse;

[3] Assuming approximately 1,000 square feet per unit.

g. Improving the streetscape consistent with the H Street design standards for residential streets adjoining the H Street corridor;
h. 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 should be similar to the currently adjacent buildings;
i. Providing for interim landscaping and maintenance, consistent with staging needs, for the Preliminary portion of the PUD until construction commences on the Preliminary PUD;
j. Exploring the feasibility of "green" roofs for both Consolidated and Preliminary PUD buildings.
k. Providing an updated traffic study for the project;
l. Addressing whether the PUD still includes, or needs to include, the transportation management plan, signalization, and other transportation improvements required by the approved PUD;
m. For the Consolidated PUD, giving additional study to the massing, roofline, corners and overall shape of the proposed buildings, to reduce their apparent bulk;
n. For the Consolidated PUD, making a commitment to file for a building permit no later than one year from the effective date of this extension, and commencing construction no later than two years from the effective date of an extension.

VI. PRELIMINARY RECOMMENDATION

The proposed modified PUD would devote a significant amount of square footage to affordable housing. The Office of Planning commends the applicant for making this progressive commitment. However, as noted above, there are remaining issues to be addressed for both the modified Preliminary and the Consolidated PUD.

OP recommends that the Zoning Commission set down this application for a public hearing, and that the Commission ask the applicant to address the fourteen issues noted above in Section VI in the applicant's pre-hearing statement and its testimony.

emc/slc

attachments



Feature Key

Zoning Boundaries

Square Index

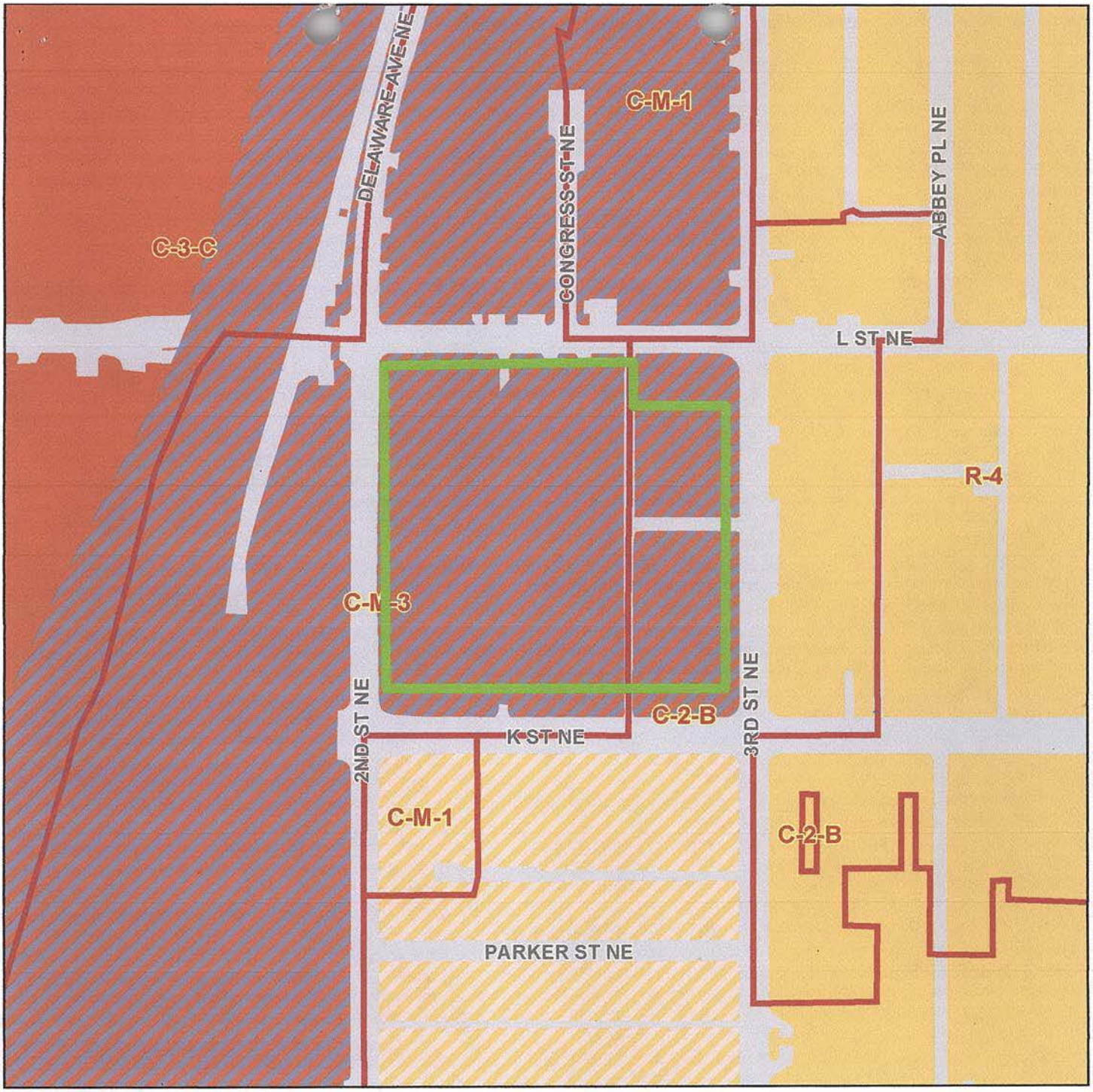
Ortho-Photography was taken in 1999.

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

DC Office of Planning
December 3, 2003

Scale 1:1680

Attachment 1



OPID0005310

District of Columbia

Zoning Commission Case No. 01-28TE
Modification and Extension of Approved PUD at 200 K Street, NE
Comprehensive Plan Generalized Land Use

Attachment 2



N

Feet

0 100 200

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

Office of Planning ~ June 25, 2004

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

- Residential-Medium Density
- Commercial-Medium Density
- Commercial-Medium-High Density
- Mixed Use
- CMOD, RMED
- CMED, RMOD
- CMED, RMED, PROTECH
- CMHD, PROTECH



District of Columbia

N

Feet

0 50 100

★ ★ ★ Government of the District of Columbia
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Office of Planning ~ June 25, 2004

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Zoning Commission Case No. 01-28TE
Modification and Extension of Approved PUD at 200 K Street, NE
SITE CLOSE-UP

Water

Street Centerlines

Zoning Districts



Attachment 3





Alleys in Process of Being Closed: In Red

Approved PUD: Outlined In Light Green

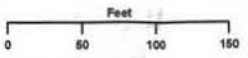
Approved PUD:Total of Purple and Orange Areas

Modified PUD
- **Consolidated PUD: In Purple**
- **Preliminary PUD: In Orange**

Zoning Commission Case No. 01-28TE
Modification & Extension of Approved PUD at 200 K Street, NE

Office of Planning ~ February 23, 2005







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

Attachment 4

	M-O-R	Approved PUD	Proposed, PUD Overall	Proposed Modification, Consolidated	Proposed Modification, Preliminary	Difference from Matter of Right	Difference from Approved PUD
Land Area and Zoning Assumption [1]	Approx. 24,200 sf C-2-B 76,000 sf , C-M-3 Total: 100,102 sf	Total: 100,102 sf, C-3-C	26,805 sf, C-2-B 74,266 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	See footnote 1.
Permitted and Proposed FARs	3.5 FAR, C-2-B 6.0 FAR, C-M-3 5.4 FAR, blended	8.0 FAR max permitted. 8.0 FAR approved	8.47 FAR	5.58 FAR	3.0 FAR	3.07 FAR	0.47 FAR (ZC may approve up to 8.4 FAR under §2405.3)
Gross Floor Areas (gsf)	492,300 max office 48,4000 res. TOTAL: 540,700	200,000 res. 615,000 office, (ncl. 60,000 sf retail/other TOTAL: 812,304	533,363 gsf res. 303,602 gsf office 19,217 gsf ret. TOTAL: 856,182 gsf	236,503 gsf res. 0 gsf office 3,217 gsf retail Subtotal 239, 720 gsf	296,860 gsf res. 303,602 gsf off. 16,000 gsf ret. Subtotal 616,462 sf	+316,482 gsf (+58%)	+ 43,878 gsf + (5.12%)
Approx. # Units	C-2-B, 85 units @ 1000 sf ea. C-M-3, none	At least 200	Ph.1: 168 Ph.2: 290, (if 1000 sf average) Total: 458	170 units	Approx. 213 units	+ Approx. 373 units	Not clear, but greater # in proposed modification
Lot Occupancy	C-2-B, 80% C-M-3, 100%	70%	69%	64%	73%	Less intense occupancy	+ 3%
Measurable Height	65' and 90'	130', with stepdowns	65', 110', 130'	1 building primarily @ 90', stepping down to 65' @ northern end'	2 buildings of 130' each; 15 stories of residential, 12 stories of office		
Parking		588 spaces, of which 100 devoted to res. in 1:2 ratio	Ph 1: 340 spaces Ph 2: 555 spaces Total: 895	170 spaces	418 – 420 spaces		
Benefits & Amenities	---	Plaza, training center, possible grocery, traffic & signalization improvements	73,481 sf housing @ 80% AMI = 13.77% res. gsf	28,953 sf housing @ 80% AMI = 15% of net res. space; 12.24% of residential gsf	44,528 sf housing @ 80% AMI = 15% of residential gsf	Affordable housing is 23% of bonus density	Approved PUD had no affordable housing requirement

TABLE 1: MATTER OF RIGHT, APPROVED PUD AND PROPOSED MODIFIED PUD COMPARISONS

[1] Applicant re-surveyed recently. Land areas shown for modified PUD application are more correct than those for the approved PUD.