

SQUARE 749
PUD MODIFICATION REQUEST
ZONING COMMISSION CASE NO. 01-28TE/93-3C
JUNE 27, 2002

ZONING COMMISSION
District of Columbia
Case 01-28TE/93-3C
Exhibit 6

ZONING COMMISSION
District of Columbia
CASE NO.01-28
EXHIBIT NO.6

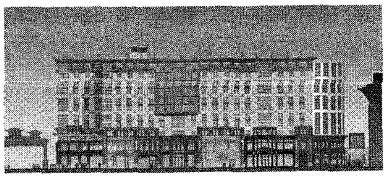
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Ms. Carol Mitten
Chairperson
DC Zoning Commission
441 4th Street, NW
Suite 210 South
Washington, DC 20001

Re: Request for PUD Modification-Zoning Commission Case No. 01-28TE/93-3C (Extension of ZC Order No, 783-A in Case No. 93-3C)-Square 749, 200 K Street NE

Dear Chairperson Mitten:

The purpose of this submission is to request a modification to an existing Planned Unit Development (PUD) located at 200 K Street, NE Washington, DC. The PUD site comprises all of Square 749, and is bounded by 2nd, 3rd, K and L Streets, NE. I am submitting this request on behalf of the applicant, 200 K Street Limited Partnership.

The existing PUD was approved on October 27, 1995 via Zoning Commission Order No. 783. The Zoning Commission on December 13, 1999 granted an extension to the PUD for a period of two years or until October 27, 2001. On October 25, 2001, the applicant filed a request for an additional extension. This request is pending before the Commission.

The basis for the October 25, 2001 request for extension was to construct the residential component of the PUD. The applicant proposed to build the Laura Grand Lofts, a 168-unit loft-style condominium development. The project was named in consideration of the contributions that Mrs. Laura Murray has made to the community. Mrs. Murray started the neighborhood watch group known as the Northeast Citizens

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Against Crime and Drugs. She was and continues to be a strong advocate for the subject PUD.

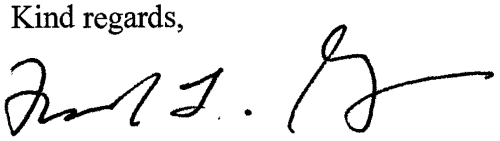
The DC Office of Planning, by memorandum dated May 3, 2002, recommended that a modification to the existing PUD is necessary given the changes in the design, height, number and type of residential units. The Office of Planning stated further that it is supportive of most of the changes made in the extension request and anticipates being supportive of the project at any modification hearing.

The applicant is in agreement with the Office of Planning recommendation. We request that the Commission modify the PUD to facilitate the development of the housing component of the PUD. Additionally, we request that the Commission extend the validity of the PUD for a period of one year to file for permits to construct the housing and to evaluate development options for the remainder of the site.

We have included as part of this request certain data, material and professional representations prepared and submitted in support this request.

We would appreciate you immediate consideration of this request. Should you have any questions, or if there is a need for additional information, please feel free to give me a call.

Kind regards,



Fred L. Greene

Enclosure

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REQUEST FOR PUD MODIFICATION

ZONING COMMISSION CASE N0. 01-28TE/93-3C

June 27, 2002

Purpose of Request

The purpose of this request is to modify the existing PUD order for the above referenced case to allow for the development of a 168-unit loft-style condominium project. The original Order requires a minimum of 200 residential units and therefore is at odds with the proposed 168-unit development. Additionally, the new project proposes to provide 165 parking spaces or twice the number required by the original Order.

Also, the architectural design is consistent with the requirement of the approved Order. The enhanced building improves the residential fit within the community by offering a warmer and friendlier articulation of the façade. A more detailed discussion of the architectural design and its comparison to the requirements of the approved PUD order is contained in the attached letter from the Lessard Architectural Group, Inc. Also, included is a letter to Andy Altman, dated February 14, 2002, that outlines the differences between the requirements of the approved PUD order and the proposed housing development on the site.

Rationale and Timing

The applicant has chosen to build the housing component in advance of the approved commercial development on the site. Until recently, there has been limited interest in development east of the Amtrak rail line along 2nd Street, NE. The ability to market the site and secure a tenant has been difficult over the past two years as financial institutions have been less than excited about large-scale investment within this area.

The market conditions in the immediate area of the site have changed, however, with the advent the new Metro-rail Station at Florida and New York Avenues, the groundbreaking of the new SEC east of Union Station, along 2nd Street, and proposed new Alcohol Tobacco and Firearms (ATF) headquarters facility at New York and Florida Avenues. **Square 749 and the proposed new 168-unit residential development is located within approximately 900 feet of the proposed new Metro-rail station at Florida and New York Avenue, and is within 1200 feet of the proposed new ATF building. Additionally, it is within walking distance of the new SEC headquarters currently under construction at Union Station.**

The product that we have chosen to build at 200 K Street, NE is appropriate and unique for the area. We have engaged the services of David Mayhood of the Mayhood Company to assist with the design of the residential building and its timing from a market standpoint. David Mayhood established the Mayhood Company in 1983. It specializes

in the design, merchandising, marketing and sale of multi-family housing communities in the Washington, DC Metropolitan area. Since 1983, the Mayhood Company has been directly involved in the successful sales and marketing of over 110 condominium and townhome communities in the Metropolitan area. The Mayhood Company report on the Laura Grand Lofts is included in this submission.

Substantial design work has been completed for the Laura Grand Lofts. Financing of the project, which will be the first new housing start in the area in many years, appears certain. We have included a recent copy of a letter from GMAC Commercial Mortgage Corporation who shares in the enthusiasm that we have projected. GMAC indicated that it is looking forward to working with us on the project.

Assuming that all continue to move well, we anticipate breaking ground during the first quarter of 2003.

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Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 783-B
Case No. 93-3C
(Consolidated PUD & Map Amendment @ 200 K Street, NE)
December 13, 1999

On September 11, 1995, by Zoning Commission Order No. 783, the Zoning Commission approved the application of the 200 K Street Limited Partnership. The planned unit development (PUD) site is located at 200 K Street, NE. The applicant proposed to construct a high-rise, mixed-use office and residential project. Zoning Commission Order No. 783 approved the consolidated PUD and related map amendment with certain, guidelines and standards.

One of the conditions in Z.C. Order No. 783 states, "The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for the building permit, as specified in Subsection 2409.1 of the Zoning Regulations. Construction shall start within 3 years of the effective date of this order."

Z.C. Order No. 783 became final and effective on October 27, 1995. The validity of that order was for two years, that is, until October 27, 1997.

On October 23, 1997, the applicant filed a request to extend the validity of Z.C. Order No. 783, pursuant to 11 DCMR 2406.10. The applicant requested an extension of time of two years, to allow construction to begin not later than October 27, 1999.

Order No. 783-A dated April 13, 1998,extended the validity of the PUD for two years until October 27, 1999, by which time an application for a building permit was required to be filed until October 27, 2000, by which time construction was to begin.

By letter dated October 25, 1999, the applicant filed a request to extend the validity of Z.C. Order Nos. 783-A and 783 pursuant to 11 DCMR 2406.10 . The applicant requested an extension of time of two years or until October 27, 2001.

As the basis for the extension, the applicant cites the following:

> ...the Applicant has been working diligently with government and private entities to attract a tenant to the project. While strong interest has developed over this period and we feel that we are close to landing a tenant, the fact of the matter is that we have not secured one to date. The lack of a tenant has made it extremely difficult to secure financing.

The District of Columbia Office of Planning (OP), by memorandum dated December 8, 1999, reported that the applicant would likely gain no benefit from delaying immediate construction of the PUD project. The purpose in requesting an extension is clearly to allow sufficient time to secure the financing that is required for the project to proceed.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

On December 13, 1999, at its regular monthly meeting, the Commission considered the applicant's request for a two-year extension of the validity of the OP memorandum dated December 8, 1999.

The Zoning Commission received no comments from Advisory Neighborhood Commission 2A regarding this matter.

The Commission determined that an extension of the validity of the PUD is reasonable and would not adversely affect any party. The Commission believes that the applicant has made reasonable efforts to locating a tenant. The Commission also notes that both the Comprehensive Plan designation and the zoning for the site have remained the same since the Commission's initial approval.

The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 783 and 783-A be **EXTENDED** for a period of **TWO YEARS**; that is until October 27, 2001. Prior to the expiration of that time, the applicants shall file an application for a building permit, as specified in 11 DCRM 2406.8 and construction to start on or before October 27, 2002.

Vote of the Commission taken at the monthly meeting on December 13, 1999, by a vote of 4-0-1 (Kwasi Holman, Carol J. Mitten, John G. Parsons and Anthony J. Hood to extend the validity of the PUD and related map amendment for TWO YEARS, Herbert M. Franklin abstained).

This order was adopted by the Zoning Commission at its public meeting on December 13, 1999, by a vote of 4-0-1 (Kwasi Holman, Carol J. Mitten, John G. Parsons and Anthony J. Hood to adopt, Herbert M. Franklin abstained).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on JAN 21 2000.

ANTHONY J. HOOD
Chairperson
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office Of Zoning

ZCO783-B/SDB

ZONING COMMISSION ORDER NO. 783
Case No. 93-3C
(Consolidated PUD & Map Amendment @ 200 K Street, N.W.)
September 11, 1995

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on March 9, 1995. At that session, the Zoning Commission considered an application from the 200 K Street Limited Partnership (Applicant). The Applicant requested consolidated review and approval of a planned unit development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Chapter 24 and Section 102, respectively, of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted pursuant to the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, filed on January 29, 1995, requested consolidated review and approval of a mixed-use, office/ residential PUD and map amendment from C-M-1 and M to C-3-C in Square 749 (Lots 1 and 2) located at 200 K Street, N.E.

2. The applicant proposes the construction of a high-rise, mixed-use office and residential project. The PUD site is divided into Lot 1 for the residential building and Lot 2 for the office building. There will be a 30,000 square foot landscaped plaza, and underground parking to accommodate 428 cars.

3. The PUD site comprises all of Square 749, except lots 31, 804 and 805, and the public alley at the rear of those lots. The PUD site measures 101,102 square feet (29,413 for Lot 1 and 71,689 for Lot 2), and is bounded by 2nd, 3rd, K and L Streets, N.E.

4. The proposed 15-story residential building would be located at the east side of the square, front on 3rd Street, and have a three-tier height of 36.5 feet, 87.5 feet, and 130 feet from K Street to L Street would have a gross floor area of 196,758 square feet, a lot occupancy of 60 percent, and an FAR of 6.7.

5. The proposed 12-story office building would be located at the west side of the square, front on 2nd Street, and have a

height of 130 feet. This building will have a gross floor area of 615,546 square feet, a lot occupancy of 75 percent, and an FAR of 8.6.

6. On December 12, 1994, the Zoning Commission for the District of Columbia authorized a public hearing for Case No. 93-3C.

7. The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum floor area ratio (FAR) of 3.0, and a height limit of three stories/40 feet, with new residential uses prohibited.

8. The M District permits industrial uses to a maximum FAR of 6.0 and a maximum height of 90 feet with new residential uses prohibited.

9. The C-3-C District permits matter of right major business and employment centers of medium/high density development, including office, retail, housing, and mixed-uses to a maximum height of 90 feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of 100 percent.

10. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a first-stage PUD. The Commission may also impose development conditions, guidelines, and standards which may exceed or be less than the matter of right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment.

11. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capitol designates the subject site for mixed-use medium/high density commercial and production/technical employment uses.

12. The applicant through testimony presented at the public hearing, indicated that the site is a good location for a mixed-use project and a 30,000 square foot plaza which will provide benefits to the city and the neighborhood as well. Currently, the project is a hodgepodge of vacant boarded-up buildings, and a few industrially-occupied buildings. He indicated that it yields few jobs and only a handful of homes are located on the site. Very little in taxes is generated by the site. He believes, when built, the project will provide several hundred jobs; approximately 200 residences and close to $1 million per year in taxes, including property taxes, retail sales taxes and income taxes of residents.

13. The applicant's architect stated that the residential building has been designated with a series of setbacks, cornice lines, changes in material and different types of articulation, to scale down the building as it comes forward to the street. At street face, the residential building is designated at a 40-foot height limit so that it relates to the buildings across the street. It then steps back six feet at the 40-foot level and goes up to a 90-foot height limit, where it then sets back a full bay to a tower that rises to the maximum height of 130 feet.

14. The architect indicated the office building, similarly, has been developed with the traditional base, center and top articulation, stepping back as the building rises up with a series of heavy cornice lines and changes in material. The office building is envisioned to be pre-cast with larger window panels and larger bays so that it works and looks as an office building. There are recesses in the center of the building where the articulation would change so that it has the appearance of two buildings, rather than one large building.

15. The Plaza acts as a buffer between the two proposed buildings and serves as a transition to the residential zoning across 3rd Street, N.W. It is designed to be full-service, with electrical, water, lighting and landscaping.

16. The applicant indicated the project will provide a number of amenities including:

    a. Approximately 230 new housing units;

    b. 60,000 square feet of commercial, production and technical employment, training, child development, day care, foster care and other community-oriented uses.

    c. The potential for a large supermarket, and space within the above-mentioned 60,000 square feet of floor area has been designed for such use.

    d. A 30,000 square-foot, full-service, plaza for tenant and community use;

    e. The direct full-time equivalent of 720 construction jobs with a direct payroll of approximately $23.2 million during construction of the project;

    f. Approximately 2,326 direct on-site employment opportunities with a direct payroll in excess of $46 million

annually as a direct result of the long-term operation of the project;

g. Approximately $9.5 million in taxes per year (real property, personal property, franchise, parking, sales and individual income tax revenue);

h. A proposed innovative neighborhood conservation tax increment district mechanism whereby the additional incremental taxes generated by the project can be utilized to "freeze" property taxes of existing residents living in the surrounding community for a period of up to ten years;

i. Significant opportunities for area residents to establish and operate a locally-based minority business for building maintenance and cleaning services. An estimated 14 jobs and a $280,000 payroll will be directly created in this operation;

Additionally, community benefits will be generated by on-site, community-related facilities which could include foster care facilities, day care facilities, a community events area, police substation, City School Self Esteem Program, minority business enterprise franchise demonstration program, business enterprise and business development training, and other community-serving retail, educational, and service opportunity;

j. Significant construction period job opportunities for local area residents and other minorities during the construction period.

17. The applicant's traffic expert concluded in a formal traffic report and through testimony at the public hearing that the proposed PUD will not adversely impact the surrounding street network. He also noted that the parking spaces provided on the site were adequate to serve the project.

18. The traffic expert stated that the proposed parking and loading provided in the project is adequate. The project provides parking in an underground garage which is entered from 2nd Street, N.E. for office users and L Street, N.E. for residential tenants. Loading will occur on 2nd Street, N.E.

19. He also stated that the applicant proposes to provide approximately 428 parking spaces to ensure that parking needs for tenants of both buildings are met.

20. The applicant's economic analysis expert concluded in a formal study that the project will have a total direct and indirect impact of approximately $115 million in revenues to the city annually.

21. The District of Columbia Office of Planning (OP) by report dated February 24, 1995 and by testimony presented at the public hearing indicated it is not opposed to the proposal. "However, since it is somewhat inconsistent with OP's preliminary zoning recommendations for the general area, certain height and massing issues need to be resolved before the project can be recommended for approval."

22. The Department of Public Works (DPW) by report dated March 17, 1995 stated "In conclusion, the PUD requires further coordination with DPW regarding the development and implementation of a Transportation Management Program to mitigate traffic and parking impacts on the neighborhood residential area, to assess the water and sewer capabilities to service the proposed development, and a traffic operational improvements program pertaining to traffic signal installation resulting from this proposal."

23. Advisory Neighborhood Commission (ANC) 6A, by report dated April 6, 1995 and by testimony presented at the public hearing voted to support the approval of the PUD and map amendment. The ANC-6A stated the applicant made concerted efforts to listen to the community and its concerns regarding the proposal and that the PUD would provide a number of community benefits.

24. The Department of Housing and Community Development (DHCD) by memorandum dated March 3, 1995 indicated the following:

"While DHCD is generally pleased with the location and orientation of land uses, there are some concerns with the size of the development in comparison with the surrounding neighborhood. The proposed residential portion of the development will be ten (10) stories at eighty-five (85) feet and fifteen (15) stories at one-hundred and thirty (130) feet. The proposed commercial portion of the development will be twelve (12) stories at one-hundred and thirty (130) feet. DHCD would ask the developer to reconsider the overall height of the building(s) and possibly provide a more sensitive massing approach. The size of the development will generate many people in and out of the area, therefore, traffic flow and on-street parking on the surrounding streets are other issues that will have to be closely evaluated."

25. The District of Columbia Fire Department (DCFD) by report dated February 17, 1995 indicated the following;

"Based on our review we have no objection to this request. However, fire and life safety features required by city codes such as fire alarms, sprinkler systems, standpipes, exits, fire related separations, fire extinguisher, etc., shall be determined during the plan's review process as part of the building permit application review.

In addition to the above comments, the "Fire Lanes and Fire Hydrants Act of 1977 - D.C. Law 2-90 must be complied with."

26. Three individuals testified in support of the proposals. Their testimony highlighted the following points;

a. The applicant has worked well with the community in addressing its concerns relative to this project.

b. The Zoning Commission should consider a slight reduction in the project's height.

c. A great need exists in the neighborhood for a project of this kind that is being proposed.

d. The project's housing component is commendable.

e. Support is contingent upon no changes being made to the project's housing component as it has been proposed, including its location on 3rd Street.

27. There were no parties appearing at the hearing in opposition to the request.

28. By letter dated April 7, 1995, the Stanton Park Neighborhood Association (SPNA) expressed its concerns regarding the proposed PUD. SPNA stated that, although the proposed PUD does not come within SPNA's boundaries, it is in such close proximity that its existence will inevitably have a marked impact on large portions of the neighborhood. SPNA urged the Zoning Commission to oppose the PUD in its present form.

29. At its public meeting on April 10, 1995, the Commission reviewed and discussed the case for proposed action. The Commission determined that more specific information was needed as follows:

a. A Transportation Management Plan must be submitted;

b. All traffic and transportation issues raised by the Department of Public Works in its report must be addressed and resolved;

c. Specific amenities must be identified and pinned-down, including the provision of a discrete analysis of the commitment for use of the 60,000 square foot area and the management of that space and the plaza space;

d. A description of all building materials must be submitted;

e. A description of all planting materials in conjunction with a completed landscape plan must be submitted; and

f. A re-evaluation of the height, bulk and density of the project with an analysis of square footage and number of units that would be lost if the building is 90 feet in height.

30. At its public meeting held on May 23, 1995, the Commission took proposed action to approve the case. At that meeting, the Commission reviewed the applicant's letter dated April 25, 1995 which contained the following:

1. Applicant's response to the Zoning Commission requested for additional information;

2. Revised Conclusions of Law and Draft Order;

3. Transportation Management Plan; and

4. Project design statement, and transportation/ environmental analysis.

31. The Commission also indicated that more specific information is needed before final action can be taken. The requested information was as follows:

a. A lighting plan, showing the location, type and distribution of exterior lighting must be submitted;

b. A completed landscape plan identifying the species, location, description and size of all plant materials and/or ground coverings must be submitted;

c. The color and type of the pre-finished aluminum frames must be submitted;

d. The correct size of the day care center, 2500 square feet vs. 12,500 square feet;

e. Letters of commitment from the vocational training school, the business training school, the grocery store and the day care center must be submitted;

f. A plan showing the type and location of the exterior signage must be submitted;

g. Samples of all building materials must be submitted; and

h. Executed agreements from the Minority Business Opportunity Commission (MBOC) and the Department of Employment Services (DOES) must be submitted.

32. DPW by report dated May 8, 1995 indicated the following;

"The applicant has submitted a Transportation Management Plan, as requested by the Department of Public Works, in its report on Zoning Commission Case No. 93-3C dated March 17, 1995. The proposed plan if properly implemented, will mitigate traffic and parking impacts in the neighborhood residential area. With regard to loading activity, DPW's concern was with the residential component of the project. We note that the applicant will limit such loading activity to off-peak periods only. The Department is glad to report that the PUD will comply with all DPW requirements and recommendations to make the project workable."

33. Advisory Neighborhood Commission (ANC) 6A by report dated May 2, 1995 reported that both the civic groups, Near-Northeast Citizens Against Crime and Drugs, and the Public Interest Civic Association voted unanimously to approve the PUD at 200 K Street, N.E. and urged the Zoning Commission to approve the project.

34. On June 12, 1995 at its regular monthly meeting, the Zoning Commission considered all of the post hearing submissions and the specific requested additional information. At that meeting, the Commission determined that the requirements stipulated by the Commission with regard to lighting, landscaping, building material, signage and tree planting will be added to the conditions of approval in its order, particularly planting of three-inch caliper trees to represent the size of the trees depicted on the plans.

35. The Commission concurs with the recommendations and/or positions of OP, DPW, DHCD, DCFD, ANC-6A and the applicant and believes that the application should be approved.

36. The Commission believes that the proposal's consistency with the Comprehensive Plan meets the goals and objections of the plan relative to the provision of a medium-high density commercial project on the site. The Commission also believes the proposed 230 residential units, would add to the housing stock in the area and help buffer the existing residential neighborhood from the proposed commercial development. The Commission believes the project's commercial component could provide an economic stimulus for the area, acting as a catalyst for future commercial development to the immediate north and east of the site.

37. The Commission concurs with the applicant that the mixed-use project is appropriate for the site and is not inconsistent with the Comprehensive Plan.

38. The Commission finds that the applicant has met the requirements of 11 DCMR Chapter 24 and has satisfied the intent and purpose thereof.

39. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated September 7, 1995, indicated that the PUD would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site, because control of the use and site plan are essential to ensure compatibility with the neighborhood.

2. The development of this PUD carries out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right development.

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. The approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.

5. The approval of this application is consistent with the purposes of the Zoning Act.

6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zoning plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

8. The Zoning Commission has accorded to the Advisory Neighborhood Commission 6A the "great weight" to which it is entitled.

9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

In consideration of the Findings of Fact and Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL of this application for a consolidated Planned Unit Development and map amendment from M and C-M-1 to C-3-C for lots 1 and 2 in Square 749 for premises 200 K Street, N.E. The approval of this PUD and change in zoning are subject to the following guidelines, conditions and standards:

1. The planned unit development (PUD) shall be developed in accordance with plans prepared by Brennan Beer Gorman, marked as Exhibit Nos. 36 and 37 of the record, as modified by the guidelines, conditions and standards of the order.

2. The project shall be developed as an office/residential project with a maximum floor area ratio (FAR) of 8.0.

3. The residential building shall have a maximum height of 15 stories/130 feet.

4. The office building shall have a maximum height of 12 stories/130 feet.

5. The total lot occupancy of the project shall not exceed 71 percent of the site.

6. The residential building shall contain a minimum of 200 units.

7. The applicant shall provide a minimum of 588 parking spaces consisting of full-size, compact and handicapped spaces. Of this total, 100 spaces are allocated for the residential component at a rate of one space per two dwelling units.

8. The applicant shall provide 17 parking spaces for bicycles.

9. The applicant shall implement the Transportation Management Plan submitted and marked as part of Exhibit No. 60 of the record.

10. The applicant shall bear the cost of signalizing the intersections of L Street at 2nd and 3rd Streets, N.E. The signalization shall be in place at the time any part of the development becomes operational.

11. The applicant shall widen 2nd Street, between K and L Streets, as specified by the Department of Public Works.

12. The applicant shall provide five loading berths and two service delivery areas in accordance with the plans marked as Exhibit No. 37 of the record.

13. All loading activity for the residential component of the project shall be from L Street, N.E. and shall occur during off-peak periods only.

14. The project shall include the following on-site amenities:

    (a) A minimum of 200 new housing units.

    (b) a 30,000 square foot plaza. The plaza shall be an open, landscaped area for tenant and community use. It shall have electric and water connections. It shall be managed and maintained by the developer in consultation with the community;

    (c) a 2,500 square foot day care center to be managed and operated privately;

    (d) a 1,600 square foot security kiosk to be managed and operated by the developer, using private security;

    (e) a 15,000 square foot vocational training facility for the construction trade industry;

    (f) a 5,000 square foot business training school managed by "Cities in Schools"; and

    (g) a 40,000 square foot supermarket.

15. Street/sidewalk lights shall be provided per the District of Columbia requirements and the plaza shall be evenly lit from

above with diffuse lights integrated into the building cornice at the 30-foot height. The lighting rays for the plaza area shall be focused onto the plaza.

16. Commercial signage for tenants will be limited to one foot high letters within internally lit sign bands integrated into the storefront system. Building signage will be precast concrete set into the building facades. Letter size will be appropriate to surrounding decorative elements, approximately one foot high.

17. Landscaping shall be provided as shown on Sheet A-1 of Exhibit No. 37 of the record. The 26 trees identified on the landscaping plan shall be a minimum of three-inch caliper in size.

18. The residential building shall have a dark red/brown brick skin at the base and a buff color brick above the base. The office building shall have a precast skin of buff with a dark red/brown color brick at the base.

19. Windows for both buildings shall have off-white prefinished aluminum frames and insulated glass.

20. The applicant shall have flexibility with respect to the following:

    (a) Varying the location and design of all interior components, including partitions, structural elements, slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

    (b) Making minor adjustments in the facade, window and balcony detailing, including the flexibility to shift the location of the doors to the retail uses on the ground floor and vary the type of paneling used on the retail frontage in order to accommodate the different types of retail uses;

    (c) Varying the arrangement of parking spaces, modification of below-grade space to accommodate the need of tenants and uses of the project and handicapped persons, provided that there is no reduction in the total number of parking spaces provided.

21. Antennas and satellite dishes shall be permitted on the roof of the buildings subject to the applicable Zoning Regulations.

22. The applicant shall comply with the Memorandum of Understanding entered into with the Minority Business Opportunity Commission, which provides for the award of at least 35 percent of the construction related contracts for the project to Certified Minority Business Enterprises detailed in Exhibit No. 70 of the record.

23. The applicant shall comply with the First Source Agreement with the Department of Employment Service (DOES) which provides that the applicant will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project as detailed in Exhibit No. 67.

24. The change of zoning from C-M-1 and M to C-3-C for Lots 1 and 2 in Square 749 shall be effective upon recordation of the PUD covenant as required by 11 DCMR 2407.3.

25. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulatory Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construction and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.

26. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.

27. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, the applicant must file for a building permit as specified in 11 DCMR Section 2407.1 and Section 2406.8. Construction shall start within three years of the effective date of this Order.

28. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Division of DCRA to approve permits if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public meeting on May 23, 1995: 3-1 (Maybelle Taylor Bennett, Jerrily R. Kress and William L. Ensign to approve - John G. Parsons, to deny).

This order was adopted by the Zoning Commission at its public meeting on September 11, 1995, by a vote of 3-1 (Maybelle Taylor Bennett, William L. Ensign and Jerrily R. Kress to adopt, John G. Parsons opposed).

In accordance with provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register, that is on OCT 27 1995.

JERRILY R. KRESS
Chairperson
Zoning Commission

MADELIENE H. ROBINSON
Director
Office of Zoning

zco783/SDB/LJP

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY -3 PM 2:25

MEMORANDUM

ZONING COMMISSION
District of Columbia
Case 01-28TE/93-3C
Date 4

TO: D.C. Zoning Commission

FROM: Andrew Altman

DATE: May 3, 2002

SUBJECT: Request for Processing Zoning Commission Case No. 01-28TE/93-3C (Extension of Z.C. Order Nos. 783-A in Case No. 93-3C. (PUD 200 K Street, N.E)

This memo provides the Office of Planning's (OP) review and recommendations concerning the applicant's above Planned Unit Development (PUD) extension request and the project's current status.

RECOMMENDATION

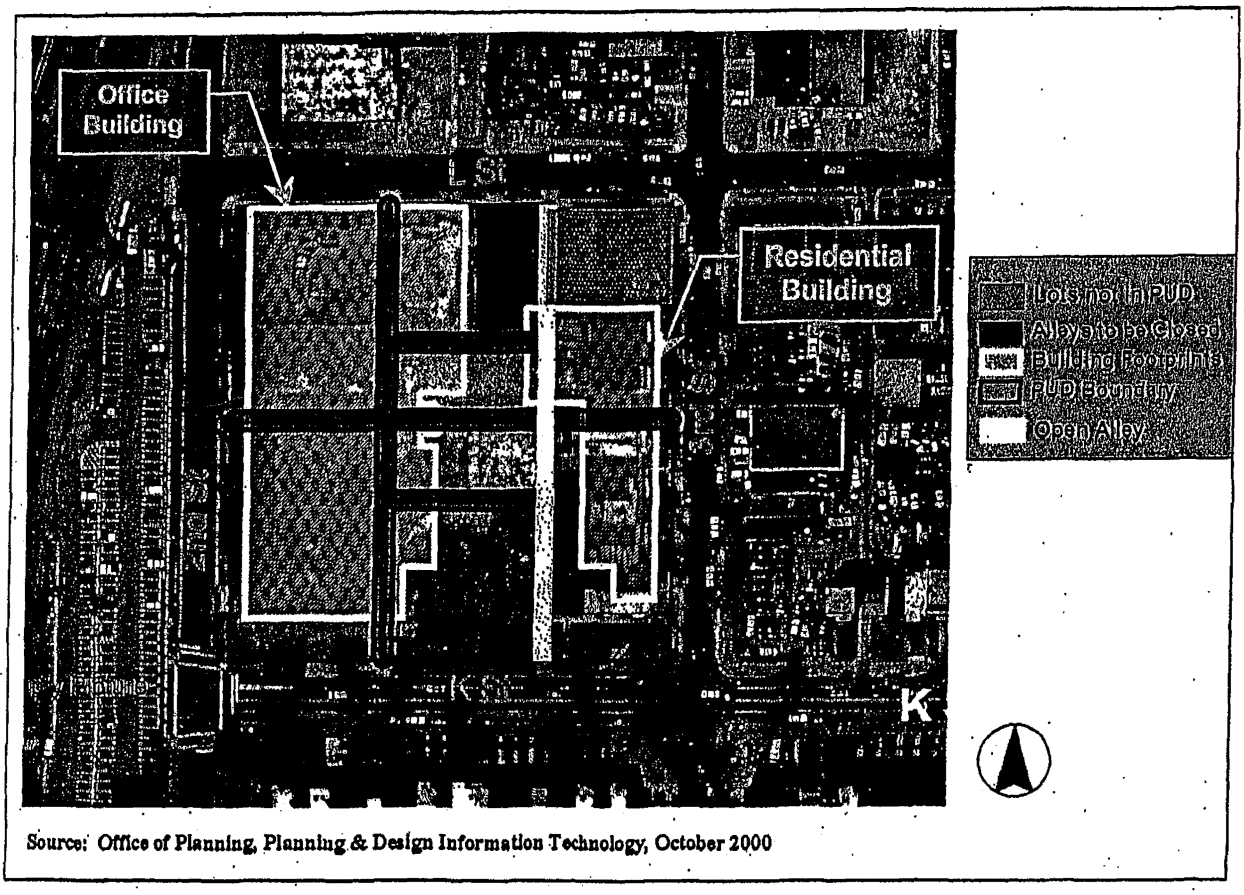
OP supports the extension of the existing PUD for one year with conditions (see below). However, OP concludes that a PUD modification is necessary, given the substantial changes in the design, height, number and type of residential units. We recommend the Zoning Commission require a public hearing on the proposed changes to the projects design.

BACKGROUND

F.L. Greene Associates is filing on behalf of the 200 K Street Limited Partnership for a second extension of a PUD located in Square 749, which was originally approved over six years ago in March of 1995. The Zoning Commission extended the PUD for the original applicant on December 13, 1999. Square 749 is located in the northeast Quadrant 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 project involves all the lots of the square with the exception of three Lots (804,805 and 31) in the northeastern corner of the square. Completion of the PUD also involves the closing of all alleys of Square 749 with the exception of the northern most section of eastern alley abutting the lots mentioned (see aerial photo below).

The PUD proposal includes a 12 story, 130' high, office building totaling 615,546 square feet, and approximately 230 units (196,758 square feet) of residential apartments in a second building with three tiers, the top tier reaching 130'. In addition, the PUD proposes a 30,000 square foot plaza, a 60,000 square foot employment-training center, a day care facility, and a possible

grocery store. The community supported the project and based on comments from the Department of Public Works, the PUD was approved with the addition of a transportation management plan to mitigate the traffic impacts of the project on the surrounding neighborhood. The Department of Housing & Community Development expressed concern over the height of the building in relation to the surrounding properties.



Source: Office of Planning, Planning & Design Information Technology, October 2000

CURRENT STATUS

The applicant is now seeking to move forward on the housing portion of the PUD. There are two important factors that need the Commission's consideration, the alley closing and substantial design and program changes made to the approved PUD.

Alley Closing

In an effort to show investors progress on the project, the applicant applied to the City Council to close most, but not all of the alleys necessary to complete the project. The application was filed in June of 2000. At the time, the applicant only filed to close those alleys for the office portion of the PUD because it did not have total site control for the housing portion. The alley left open was the eastern alley running parallel to 3rd Street, NE. To complete the housing portion of the PUD this alley would have to be closed also. The Office of Planning submitted our report to the DC Surveyor's office on February 16, 2001. Recognizing the applicant was not applying to close all of the alleys necessary for the entire PUD, OP's major recommendation to the Council

was to allow the closure of the requested alleys, but stipulate that the closing shall not take affect until all the alleys necessary to complete the PUD were approved. In addition, OP recommended that the alley closing expire upon the expiration or withdrawal of the PUD. In this way the applicant could only move forward when all the alleys necessary for the entire PUD were closed.

At the time of this application for extension, the applicant was waiting for comments from Verizon and DC Department of Public Works. The applicant has since updated their request to close all the alleys necessary for construction of the entire PUD. The alley-closing request has received objections from the Washington Water & Sewer Authority and PEPCO. These are:

- WASA is requiring the applicant to provide easements to relocate the sewer lines through the property
- PEPCO has underground lines under the alley that provide service to District owned lighting facilities. The lines can be abandoned if the District issues a discontinuance order.

These are typical objections requiring the rerouting of utilities by the applicant.

Project Design

Before the Zoning Commission approves a further extension of the PUD, a determination should be made on whether the changes to the design of the residential building constitute a modification sufficient to require an additional public hearing. The drawings submitted to the Zoning Commission reflect some substantial changes from what was originally filed to the Zoning Commission (see attached). Recognizing these changes OP asked the applicant to provide a description of how the new design differs from the one previously approved (see attached).

Chief among the changes is the massing and materials chosen and the resulting impact on the number of units.

- Massing – In the design approved by the PUD, the housing was tiered with set backs at 36.5 feet, 87.5 feet and topped out at 130'. The extension submission is 12 stories the entire length of the building, resulting in a 130 foot height across the entire 3rd street frontage.

  In addition, the pass through to the interior open court of the square is smaller and only one story.

- Materials – The drawings for the approved PUD is for a two-tone façade of red brick on the three lower stories with a change to a white or light colored brick on the upper floors. The drawings submitted for the extension are inverted with light colored facing on the first three floors with red brick depicted on the upper floors and then transitioning back to lighter brick on the top two floors.

- Changes in the unit type and count – the PUD order requires a minimum of 200 units of rental housing. The extension submission is for 162 loft style condominiums. The drop in unit count is due to higher ceilings and larger spaces that are typical of loft style units.

According to the information provided by the applicant, the most relevant conditions of the PUD order include condition numbers (see attached PUD order):

1. The Planned unit development (PUD) shall be developed in accordance with plans prepared by Brennan Beer Gorman, marked as Exhibit Nos. 36 and 37 of the record, as modified by the guidelines, conditions and standards of the order.

3. The Residential building shall have a maximum height of 15 stories/130 feet.

6. The Residential building shall contain a minimum of 200 units.

14. The project shall include the following on-site amenities:
    a. A minimum of 200 new housing units;

18. The residential building shall have a dark red/brown brick skin at the base and a buff color brick above the base.

20. The applicant shall have flexibility with respect to the following:
    a. Varying the location and design of all interior components, including partitions, structural elements, slabs, doors, hallways, columns, stairways, location of elevator, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

Based on the information provided by the applicant, OP assumes that the applicant shall conform to all the other required public amenities including the plaza, day care center, security kiosk, vocational training center, business training school, supermarket, lighting and the rest as stipulated by the PUD order number 783.

OP is supportive of the project, and agrees these changes to create loft style units may be more successful at this location. This is true, because of the surrounding environmental conditions such as the tracks, U-line Arena and overall lack of similar high density living in the area. Loft units have a better track record in such areas than other unit types. In addition, condo financing often requires a certain percentage be pre-sold, making projects with greater numbers of units more difficult to finance. Yet, these changes are significant, and the Commission should consider if a modification hearing is required and not just an extension.

SUMMARY

While the rate of new housing projects has slowed somewhat, the current market for developments of this type, even on the east side of the Amtrak rail lines, is still strong. The Station Place PUD application recently approved by the Commission, the activity caused by the

new New York Metro Station and ATF development, plus the applicant's letter of interest from GMAC support this.

RECOMMENDATION

The Office of Planning concludes that a PUD modification is necessary, given the substantial changes in the design, height, number and type of residential units. OP is supportive of most of the changes made in the extension request and anticipates being supportive of the project at any modification hearing. However, OP does have concerns over:

1) The changes in height and massing of the building, particularly in light of the Department of Housing and Community Development's statement of concern regarding the height in the PUD order;
2) The potential precedent this would establish for other PUD extensions. It should be noted that the overall density has not changed and the reduction of units/households would reduce any possible traffic congestion or other density related impacts.

If the Zoning Commission should decide to approve the application as a PUD extension, then OP recommends that it be extended for a period of one year. Further extension upon the expiration of one year should only be granted if the applicant has demonstrated progress in the following areas.

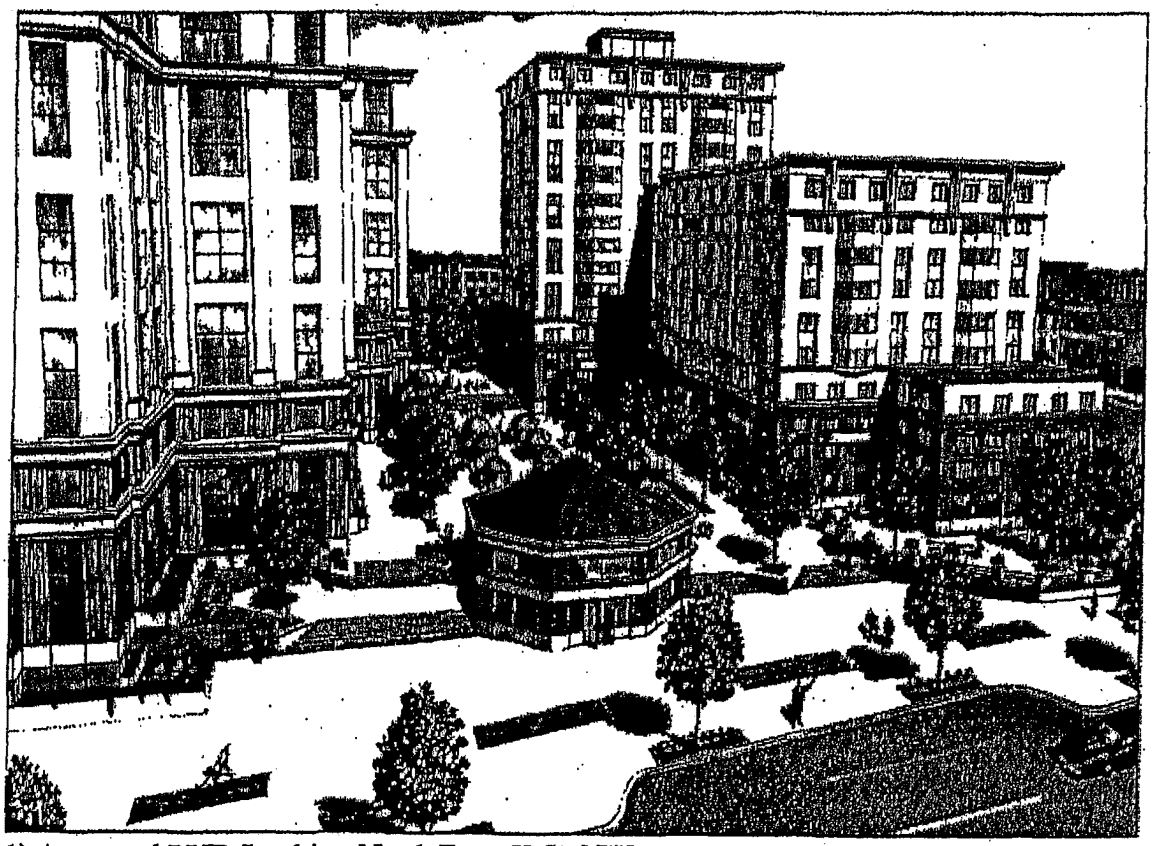
- Resolution of the alley closing objections of WASA and PEPCO.
- Amendment and submission to Council of the alley closing to include the alley necessary to complete the housing portion of the PUD.

If sufficient progress on the project has not occurred by that time, then further extension of the PUD should be denied.

AA/ar

Attachments

Perspective Elevations	Page 6
Zoning Commission Order	Page 7
Applicant's Supplement Information dated March 6, 2002	Page 8
Applicant's Letter dated March 25, 2002	Page 9



1) Approved PUD Looking North From K St, NW



2) Extension Request Design Looking West From 3rd St, NE

ZONING COMMISION ORDER
NO. 783

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 783
Case No. 93-3C
(Consolidated PUD & Map Amendment @ 200 K Street, N.W.)
September 11, 1995

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on March 9, 1995. At that session, the Zoning Commission considered an application from the 200 K Street Limited Partnership (Applicant). The Applicant requested consolidated review and approval of a planned unit development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Chapter 24 and Section 102, respectively, of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted pursuant to the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, filed on January 29, 1995, requested consolidated review and approval of a mixed-use, office/ residential PUD and map amendment from C-M-1 and M to C-3-C in Square 749 (Lots 1 and 2) located at 200 K Street, N.E.

2. The applicant proposes the construction of a high-rise, mixed-use office and residential project. The PUD site is divided into Lot 1 for the residential building and Lot 2 for the office building. There will be a 30,000 square foot landscaped plaza, and underground parking to accommodate 428 cars.

3. The PUD site comprises all of Square 749, except lots 31, 804 and 805, and the public alley at the rear of those lots. The PUD site measures 101,102 square feet (29,413 for Lot 1 and 71,689 for Lot 2), and is bounded by 2nd, 3rd, K and L Streets, N.E.

4. The proposed 15-story residential building would be located at the east side of the square, front on 3rd Street, and have a three-tier height of 36.5 feet, 87.5 feet, and 130 feet from K Street to L Street would have a gross floor area of 196,758 square feet, a lot occupancy of 60 percent, and an FAR of 6.7.

5. The proposed 12-story office building would be located at the west side of the square, front on 2nd Street, and have a

13. The applicant's architect stated that the residential building has been designated with a series of setbacks, cornice lines, changes in material and different types of articulation, to scale down the building as it comes forward to the street. At street face, the residential building is designated at a 40-foot height limit so that it relates to the buildings across the street. It then steps back six feet at the 40-foot level and goes up to a 90-foot height limit, where it then sets back a full bay to a tower that rises to the maximum height of 130 feet.

14. The architect indicated the office building, similarly, has been developed with the traditional base, center and top articulation, stepping back as the building rises up with a series of heavy cornice lines and changes in material. The office building is envisioned to be pre-cast with larger window panels and larger bays so that it works and looks as an office building. There are recesses in the center of the building where the articulation would change so that it has the appearance of two buildings, rather than one large building.

15. The Plaza acts as a buffer between the two proposed buildings and serves as a transition to the residential zoning across 3rd Street, N.W. It is designed to be full-service, with electrical, water, lighting and landscaping.

16. The applicant indicated the project will provide a number of amenities including:

    a. Approximately 230 new housing units;

    b. 60,000 square feet of commercial, production and technical employment, training, child development, day care, foster care and other community-oriented uses.

    c. The potential for a large supermarket, and space within the above-mentioned 60,000 square feet of floor area has been designed for such use.

    d. A 30,000 square-foot, full-service, plaza for tenant and community use;

    e. The direct full-time equivalent of 720 construction jobs with a direct payroll of approximately $23.2 million during construction of the project;

    f. Approximately 2,326 direct on-site employment opportunities with a direct payroll in excess of $46 million

20. The applicant's economic analysis expert concluded in a formal study that the project will have a total direct and indirect impact of approximately $115 million in revenues to the city annually.

21. The District of Columbia Office of Planning (OP) by report dated February 24, 1995 and by testimony presented at the public hearing indicated it is not opposed to the proposal. "However, since it is somewhat inconsistent with OP's preliminary zoning recommendations for the general area, certain height and massing issues need to be resolved before the project can be recommended for approval."

22. The Department of Public Works (DPW) by report dated March 17, 1995 stated "In conclusion, the PUD requires further coordination with DPW regarding the development and implementation of a Transportation Management Program to mitigate traffic and parking impacts on the neighborhood residential area, to assess the water and sewer capabilities to service the proposed development, and a traffic operational improvements program pertaining to traffic signal installation resulting from this proposal."

23. Advisory Neighborhood Commission (ANC) 6A, by report dated April 6, 1995 and by testimony presented at the public hearing voted to support the approval of the PUD and map amendment. The ANC-6A stated the applicant made concerted efforts to listen to the community and its concerns regarding the proposal and that the PUD would provide a number of community benefits.

24. The Department of Housing and Community Development (DHCD) by memorandum dated March 3, 1995 indicated the following:

"While DHCD is generally pleased with the location and orientation of land uses, there are some concerns with the size of the development in comparison with the surrounding neighborhood. The proposed residential portion of the development will be ten (10) stories at eighty-five (85) feet and fifteen (15) stories at one-hundred and thirty (130) feet. The proposed commercial portion of the development will be twelve (12) stories at one-hundred and thirty (130) feet. DHCD would ask the developer to reconsider the overall height of the building(s) and possibly provide a more sensitive massing approach. The size of the development will generate many people in and out of the area, therefore, traffic flow and on-street parking on the surrounding streets are other issues that will have to be closely evaluated."

b. All traffic and transportation issues raised by the Department of Public Works in its report must be addressed and resolved;

c. Specific amenities must be identified and pinned-down, including the provision of a discrete analysis of the commitment for use of the 60,000 square foot area and the management of that space and the plaza space;

d. A description of all building materials must be submitted;

e. A description of all planting materials in conjunction with a completed landscape plan must be submitted; and

f. A re-evaluation of the height, bulk and density of the project with an analysis of square footage and number of units that would be lost if the building is 90 feet in height.

30. At its public meeting held on May 23, 1995, the Commission took proposed action to approve the case. At that meeting, the Commission reviewed the applicant's letter dated April 25, 1995 which contained the following:

1. Applicant's response to the Zoning Commission requested for additional information;

2. Revised Conclusions of Law and Draft Order;

3. Transportation Management Plan; and

4. Project design statement, and transportation/ environmental analysis.

31. The Commission also indicated that more specific information is needed before final action can be taken. The requested information was as follows:

a. A lighting plan, showing the location, type and distribution of exterior lighting must be submitted;

b. A completed landscape plan identifying the species, location, description and size of all plant materials and/or ground coverings must be submitted;

c. The color and type of the pre-finished aluminum frames must be submitted;

36. The Commission believes that the proposal's consistency with the Comprehensive Plan meets the goals and objections of the plan relative to the provision of a medium-high density commercial project on the site. The Commission also believes the proposed 230 residential units, would add to the housing stock in the area and help buffer the existing residential neighborhood from the proposed commercial development. The Commission believes the project's commercial component could provide an economic stimulus for the area, acting as a catalyst for future commercial development to the immediate north and east of the site.

37. The Commission concurs with the applicant that the mixed-use project is appropriate for the site and is not inconsistent with the Comprehensive Plan.

38. The Commission finds that the applicant has met the requirements of 11 DCMR Chapter 24 and has satisfied the intent and purpose thereof.

39. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated September 7, 1995, indicated that the PUD would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site, because control of the use and site plan are essential to ensure compatibility with the neighborhood.

2. The development of this PUD carries out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right development.

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. The approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.

8. The applicant shall provide 17 parking spaces for bicycles.

9. The applicant shall implement the Transportation Management Plan submitted and marked as part of Exhibit No. 60 of the record.

10. The applicant shall bear the cost of signalizing the intersections of L Street at 2nd and 3rd Streets, N.E. The signalization shall be in place at the time any part of the development becomes operational.

11. The applicant shall widen 2nd Street, between K and L Streets, as specified by the Department of Public Works.

12. The applicant shall provide five loading berths and two service delivery areas in accordance with the plans marked as Exhibit No. 37 of the record.

13. All loading activity for the residential component of the project shall be from L Street, N.E. and shall occur during off-peak periods only.

14. The project shall include the following on-site amenities:

    (a) A minimum of 200 new housing units.

    (b) a 30,000 square foot plaza. The plaza shall be an open, landscaped area for tenant and community use. It shall have electric and water connections. It shall be managed and maintained by the developer in consultation with the community;

    (c) a 2,500 square foot day care center to be managed and operated privately;

    (d) a 1,600 square foot security kiosk to be managed and operated by the developer, using private security;

    (e) a 15,000 square foot vocational training facility for the construction trade industry;

    (f) a 5,000 square foot business training school managed by "Cities in Schools"; and

    (g) a 40,000 square foot supermarket.

15. Street/sidewalk lights shall be provided per the District of Columbia requirements and the plaza shall be evenly lit from

22. The applicant shall comply with the Memorandum of Understanding entered into with the Minority Business Opportunity Commission, which provides for the award of at least 35 percent of the construction related contracts for the project to Certified Minority Business Enterprises detailed in Exhibit No. 70 of the record.

23. The applicant shall comply with the First Source Agreement with the Department of Employment Service (DOES) which provides that the applicant will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project as detailed in Exhibit No. 67.

24. The change of zoning from C-M-1 and M to C-3-C for Lots 1 and 2 in Square 749 shall be effective upon recordation of the PUD covenant as required by 11 DCMR 2407.3.

25. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulatory Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construction and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.

26. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.

27. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, the applicant must file for a building permit as specified in 11 DCMR Section 2407.1 and Section 2406.8. Construction shall start within three years of the effective date of this Order.

28. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Division of DCRA to approve permits if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

APPLICANT'S SUPPLEMENT INFORMATION
DATED MARCH 6, 2002

APPLICANT'S LETTER
DATED MARCH 25, 2002

5

THE LESSARD ARCHITECTURAL GROUP INC.

8603 WESTWOOD CENTER DRIVE, SUITE 400 VIENNA, VA 22182 • 703/760-9344 • FAX 703/760-9328 • WWW.LESSARDGROUP.COM

February 14, 2002

Mr. Andrew Altman
Director,
DC Office of Planning
801 N. Capitol Street, NE, 4th Floor
Washington, DC 20002

RE: Laura Grand – Request for Zoning Requirements (LAG#CRG002)

Dear Mr. Altman:

This information is being provided as a follow-up to our meeting of January 31, 2002. Please contact me if you need further information.

Sincerely,

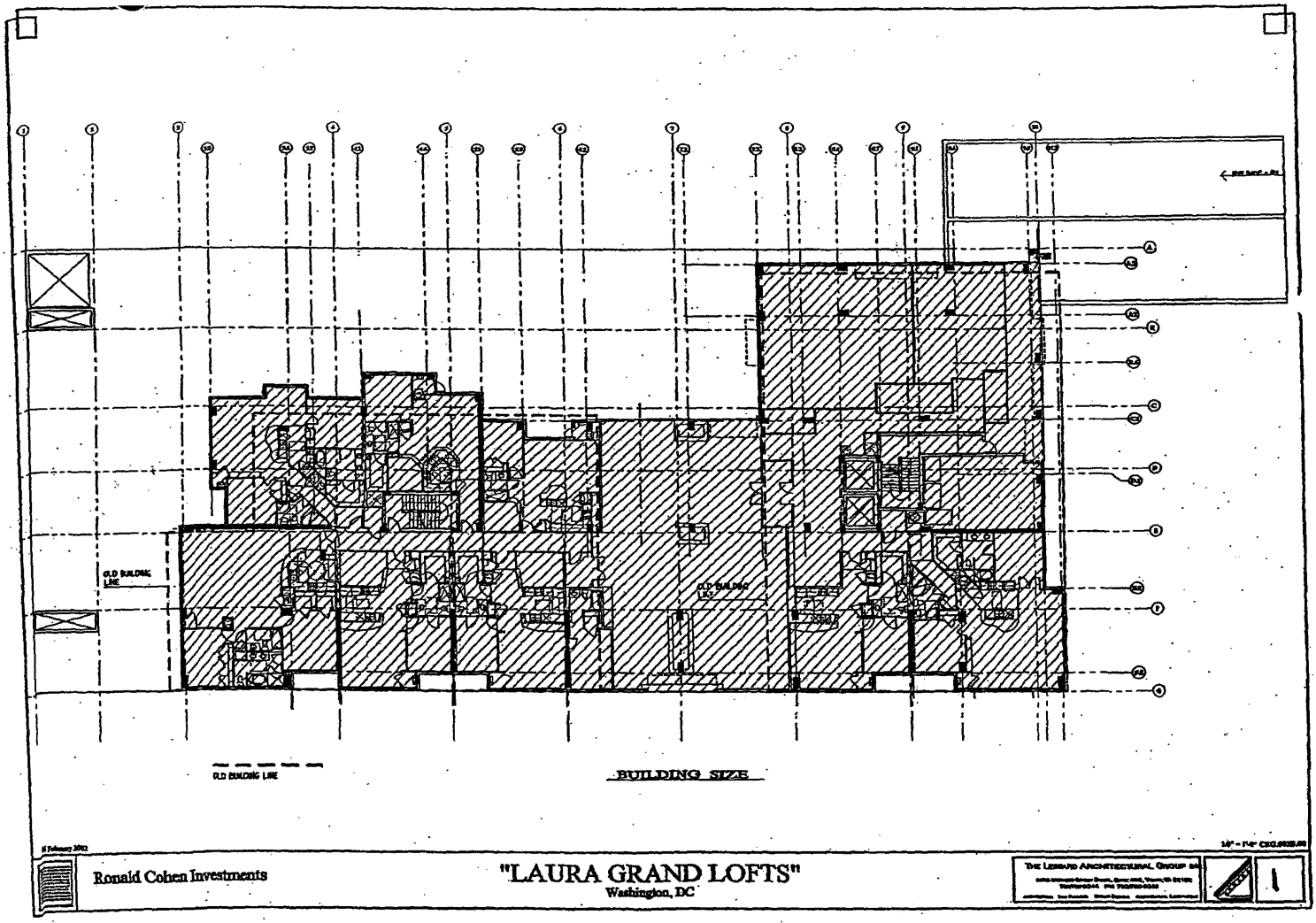
Carlos Vazquez
Senior Vice President

Cc: Fred Greene
Ron Cohen
Angel Rodriquez ✓

P:\Congressional Realty\CRG002(Laura Grand)\ Zoning Requirements 02-14-02

Square 749 Residential Requirements/Comparison

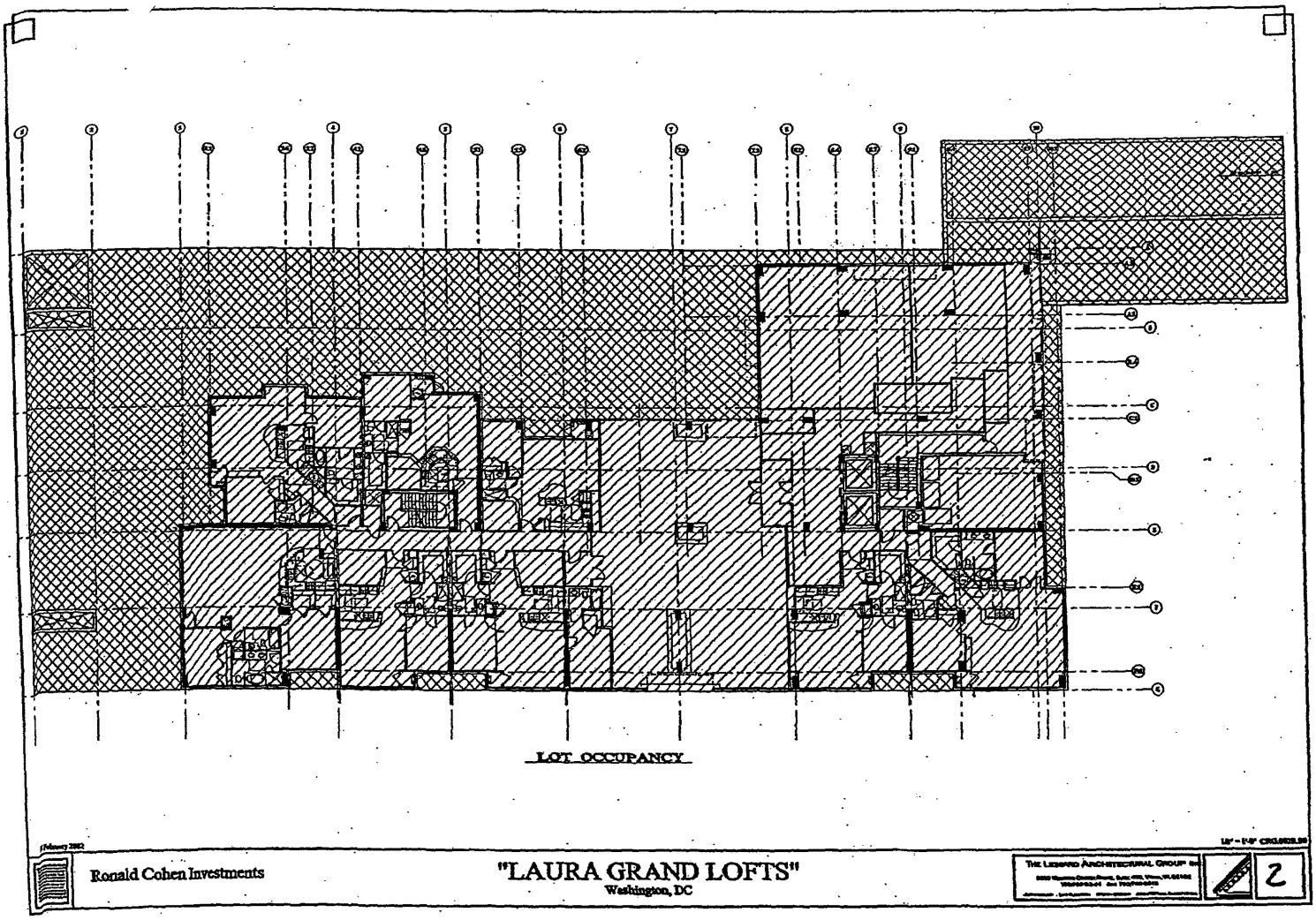
	Allowed per PUD Order #783	Provided
FAR	Maximum of 8.0 (see condition #2)	Bldg. Gross Area - 218,237 Lot Area 29,413 = 7.41
Building Height	Maximum of 130'0" (see condition #3)	130'0"
Total Units	Minimum of 200 units (see condition #6)	167 units
Parking Required	One space per 2 D/U (see condition #7)	165 provided (or twice what is required by the PUD order)
Building Material	Dark red/brown brick Skin color @ base and buff color finish above base (see condition #18)	Provided with some modifications in order to achieve the "loft" look
Windows	Both buildings shall have off-white pre-finished aluminum frames and insulated glass (see condition #19)	Provided
Loading Activity	All loading activity shall be from L Street, NE (see condition #13)	Provided



Ronald Cohen Investments

"LAURA GRAND LOFTS"

Washington, DC

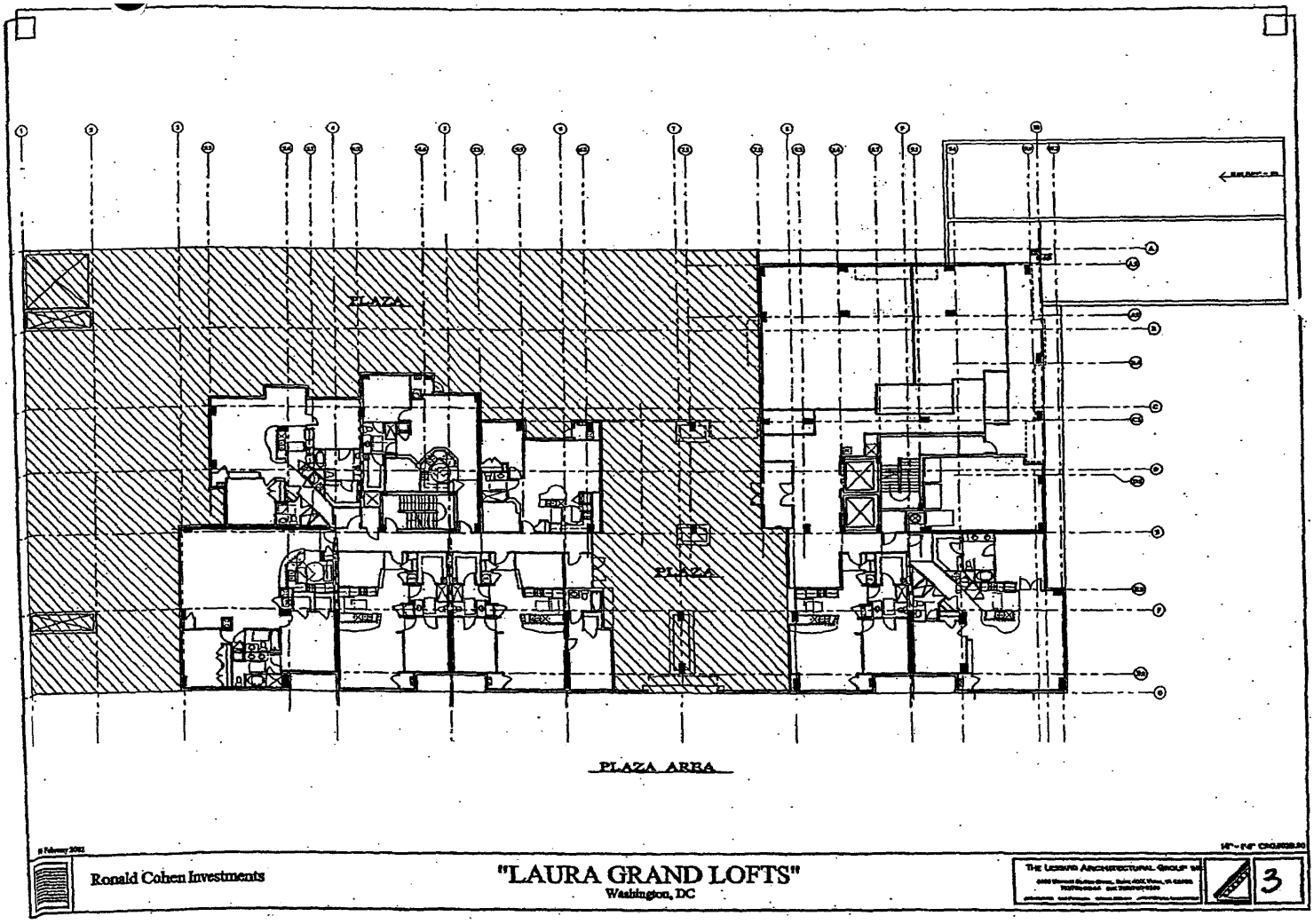


LOT OCCUPANCY

Ronald Cohen Investments

"LAURA GRAND LOFTS"
Washington, DC

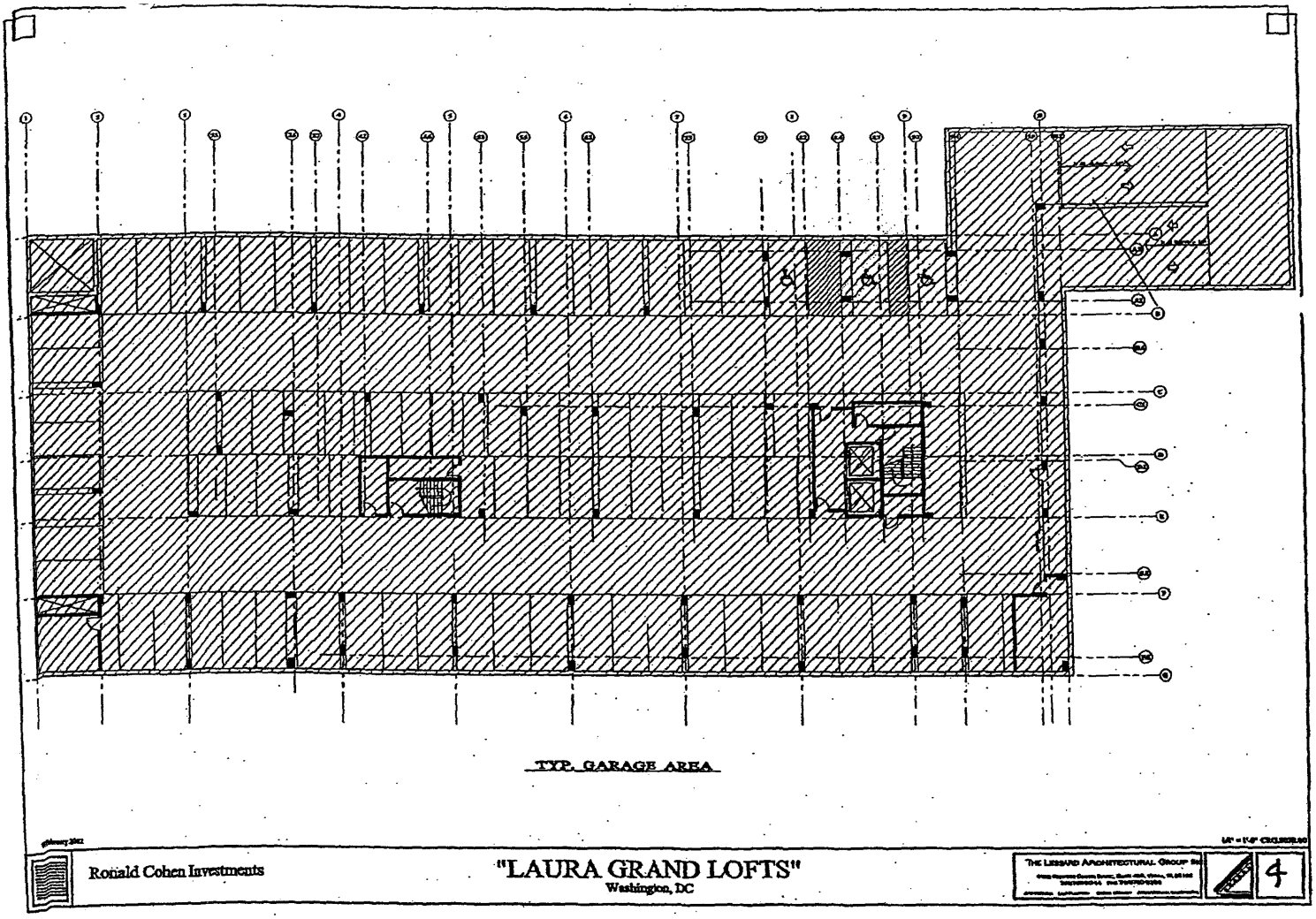
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Ronald Cohen Investments

"LAURA GRAND LOFTS"
Washington, DC

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TYP. GARAGE AREA

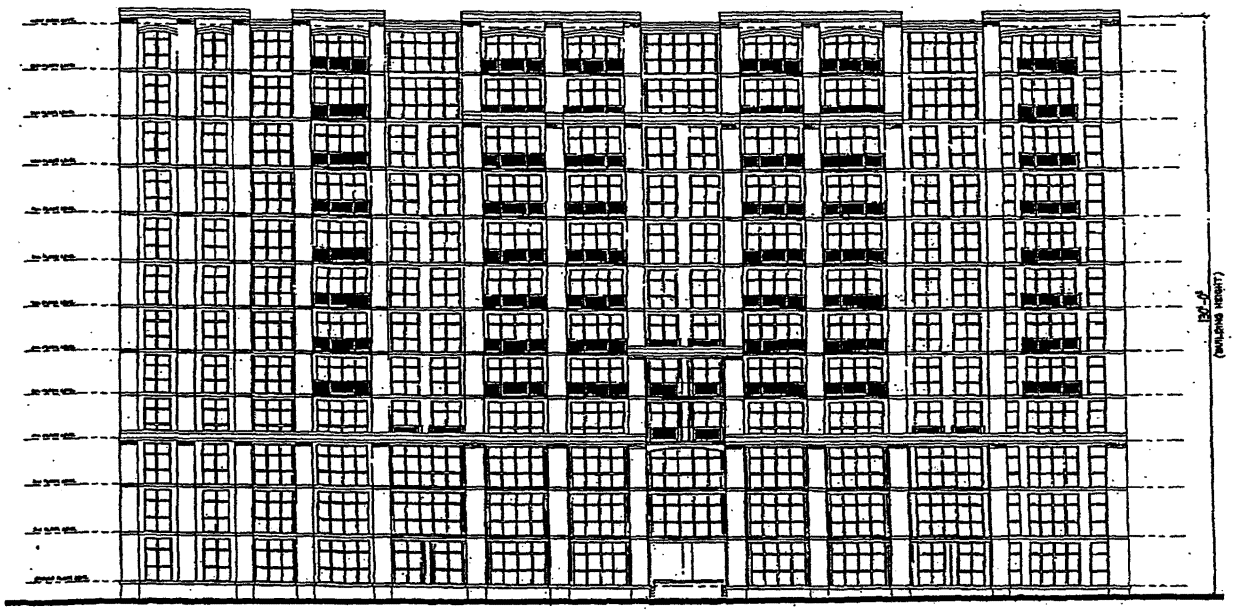
Ronald Cohen Investments

"LAURA GRAND LOFTS"
Washington, DC

THE LESSARD ARCHITECTURAL GROUP

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Mar 06 02 05:46p Jeanie 703-760-8704 p.7



BUILDING HEIGHT

01 February 2002

Ronald Cohen Investments

"LAURA GRAND LOFTS"
Washington, DC

THE LESSARD ARCHITECTURAL GROUP INC

5

3RD STREET ELEVATION

OLD ELEVATION

THE LESSARD ARCHITECTURAL GROUP INC.

1803 WESTWOOD CENTER DRIVE, SUITE 400 VIENNA, VA 22182 • 703/760-9344 • FAX 703/760-9328 • WWW.LESSARDGROUP.COM

March 25, 2002

VIA FEDEX

Mr. Michael Rodgers
DC Office of Planning
801 North Capitol Street, NW
Suite 400
Washington, DC 20001

RE: SQUARE 749-PUD EXTENSION

Dear Mr. Rogers:

As a follow-up to our meeting, we submit the following in response to your request:

THE LAURA GRAND LOFT CONDOMINIUM DEVELOPMENT

The Laura Grand Loft is a 162-unit condominium project proposed for Square 749. It is currently being designed for a Fall 2002 groundbreaking. The Mayhood Company has guided our marketing efforts. David Mayhood, President of the Mayhood Company has assured us that, with the right timing as to when these units hit the market, it will be a tremendous success. Financing has been secured pending the PUD extension. A copy of Mr. Mayhood report is attached to this correspondence.

THE LAURA GRAND LOFT IN RELATIONSHIP TO THE APPROVED PUD

The Laura Grand is consistent with the approved PUD, per Zoning Commission Order No. 783. The PUD allows for an FAR of 8.0. The Laura Grand residential development nets out at an FAR of 7.4. Its height is 130 feet, the same as allowed by the approved PUD order. As stated, the total number of units is 162. The loft style unit is larger and more spacious. The PUD order allows a minimum of 200. The parking provided by the Laura Grand is 162 spaces or one-to-one. The Order permits one space per two dwelling units or half the number of spaces provided by the Laura Grand. All loading activity shall occur off of L Street, NE as required by the PUD.

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ARCHITECTURAL DESIGN

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The brick material used in the façade will be carefully chosen and will be compatible with the townhouses and streetscape of the neighborhood. We will consult with the Office of Planning design staff in selecting the material and color.

At ground level, the units will have individual entryways into the units. We are proposing a compelling landscape and street furniture concept. A strong street landscape and street furniture concept in combination with an enhanced arcade entrance will offer an inviting environment in the courtyard of the residential building. As a result of the design enhancements, the Laura Grand Loft development will present a character flare that fits into the existing urban setting of the Near Northeast community. This, we believe, is the goal and intent of the urban design criteria referenced in the PUD Order.

A copy of the design of the Laura Grand Loft is enclosed for your review and comment. Should you have any questions, please feel free to give me a call on 703-770-3540.

Sincerely,

Carlos Vazquez
Senior Vice President

Todd Zalkan 703 770-3518

Enclosure: Mayhood Company Marketing Report
Laura Grand Design

THE LAURA GRAND LOFTS
200 K STREET NE

The Laura Grand Lofts development proposed for the 200 K Street site in NE Washington will truly be a unique and landmark residential project. The 12-story building will contain 162 condominium homes. Five distinctive floor plans have been created ranging from a one bedroom and den at 826 square feet to a corner unit, two bedroom and study at 1757 square feet.

The Laura Grand as a "new loft" residential building will be a first for Washington, although such developments have been tremendously successful in Chicago, Atlanta, Denver, and other major American cities. The concept of utilizing unrefined warehouse conversions for live/work space actually emerged in the SoHo neighborhood of New York City in the 1940's. From there the concept spread across the Western Hemisphere from London to Antwerp, to Stockholm and to Chicago. A compelling attribute of the loft concept was flexibility. Rather than a traditional residence that comes with a ready-made layout, the loft offers the freedom to create an individual use of space unconstrained by structure or rigid plan.

As the appeal of the loft concept grew, conversion to residential living units was not limited to just warehouse and industrial space. Outdated public schools, libraries and obsolescent office buildings become opportunities. Most recently, in the 1990's, innovative developers started to construct "new loft" buildings. Among the most notable of these developments is the Buckhead Lofts and Matheson Exchange in Atlanta or The Flour Mill in the LoDo (Lower Downtown) District of Denver.

The early conversion lofts and new developments offer a diverse mix of product, but what they generally have in common is location. Clearly urban, and often times pioneering, loft developments have sparked neighborhood revitalization. Again, there is considerable precedent for this in various US cities; Dallas, Chicago and Boston are excellent examples.

Historically lacking an industrial economic base, Washington does not have an inventory of convertible warehouse space. Thus the loft concept has had very limited exposure in our area. With the current residential renaissance well underway in the District, there is considerable potential for new loft product. Frankly, the downtown Washington market is overdue for this more flexible, contemporary living alternative.

The Mayhood Company

6

THE LESSARD ARCHITECTURAL GROUP INC.
8603 WESTWOOD CENTER DRIVE, SUITE 400 VIENNA, VA 22182 • 703/760-9344 • FAX 703/760-9328 • WWW.LESSARDGROUP.COM

February 14, 2002

Mr. Andrew Altman
Director,
DC Office of Planning
801 N. Capitol Street, NE, 4th Floor
Washington, DC 20002

RE: Laura Grand – Request for Zoning Requirements (LAG#CRG002)

Dear Mr. Altman:

This information is being provided as a follow-up to our meeting of January 31, 2002. Please contact me if you need further information.

Sincerely,

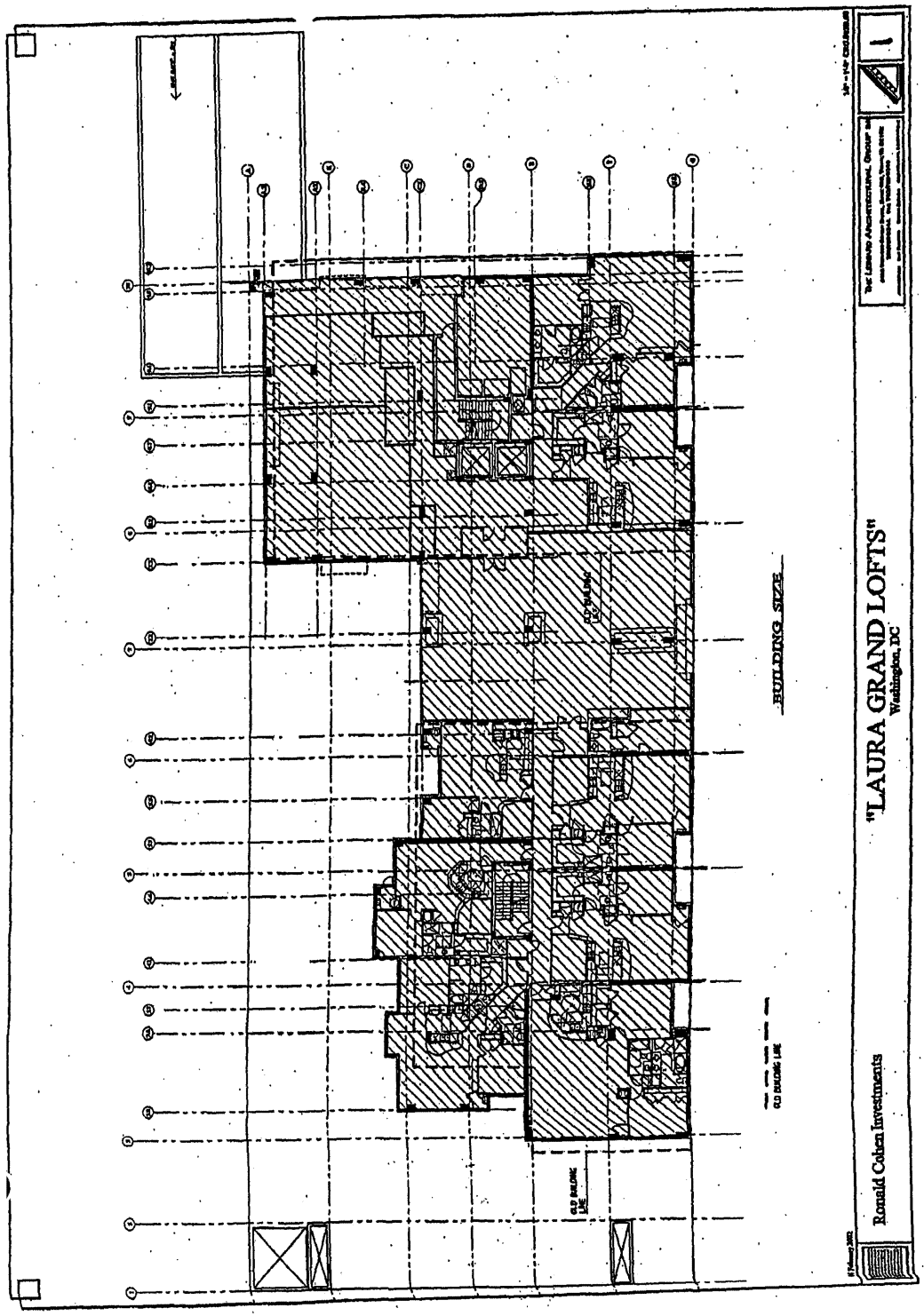
Carlos Vazquez
Senior Vice President

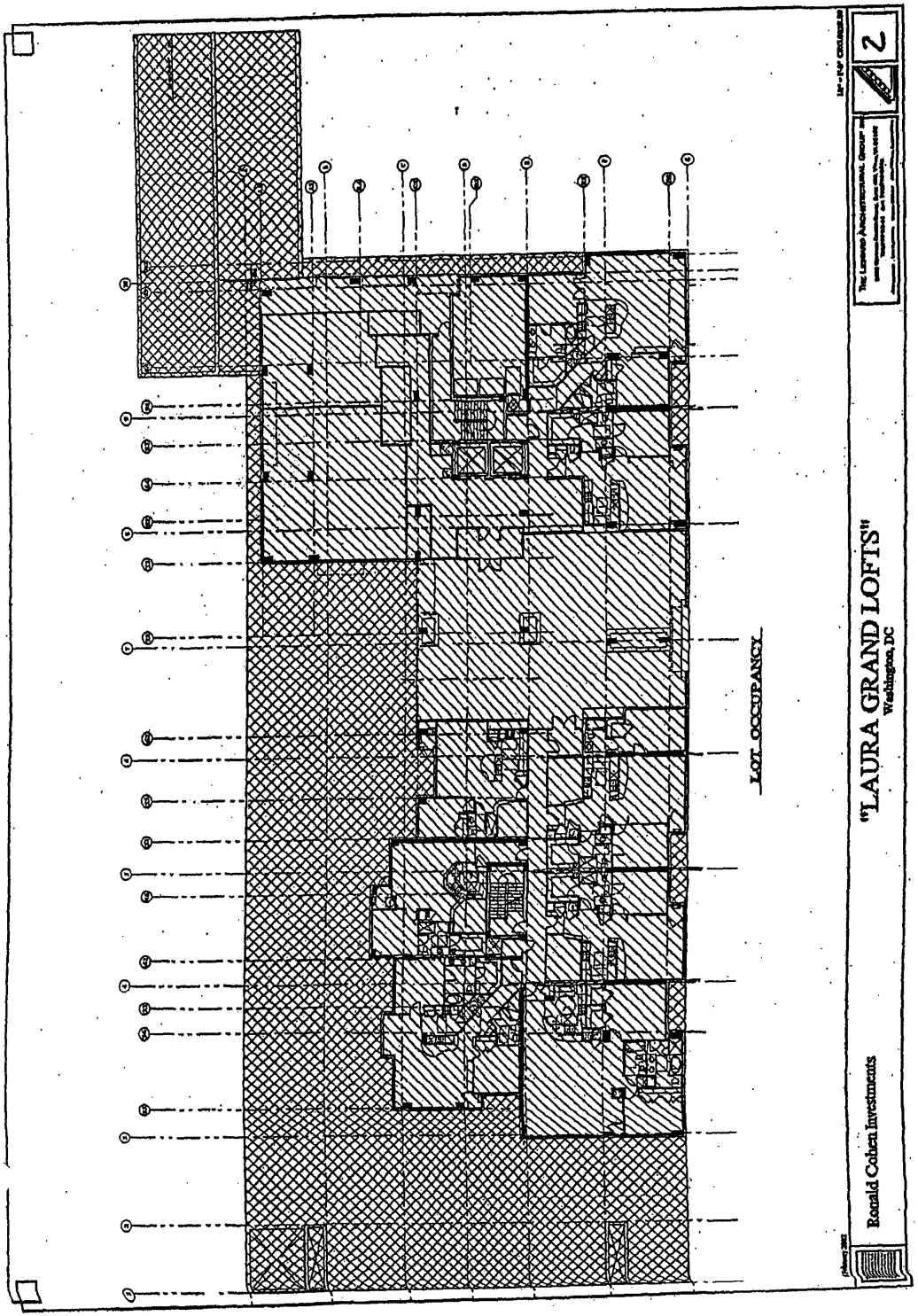
Cc: Fred Greene
Ron Cohen
Angel Rodriquez ✓

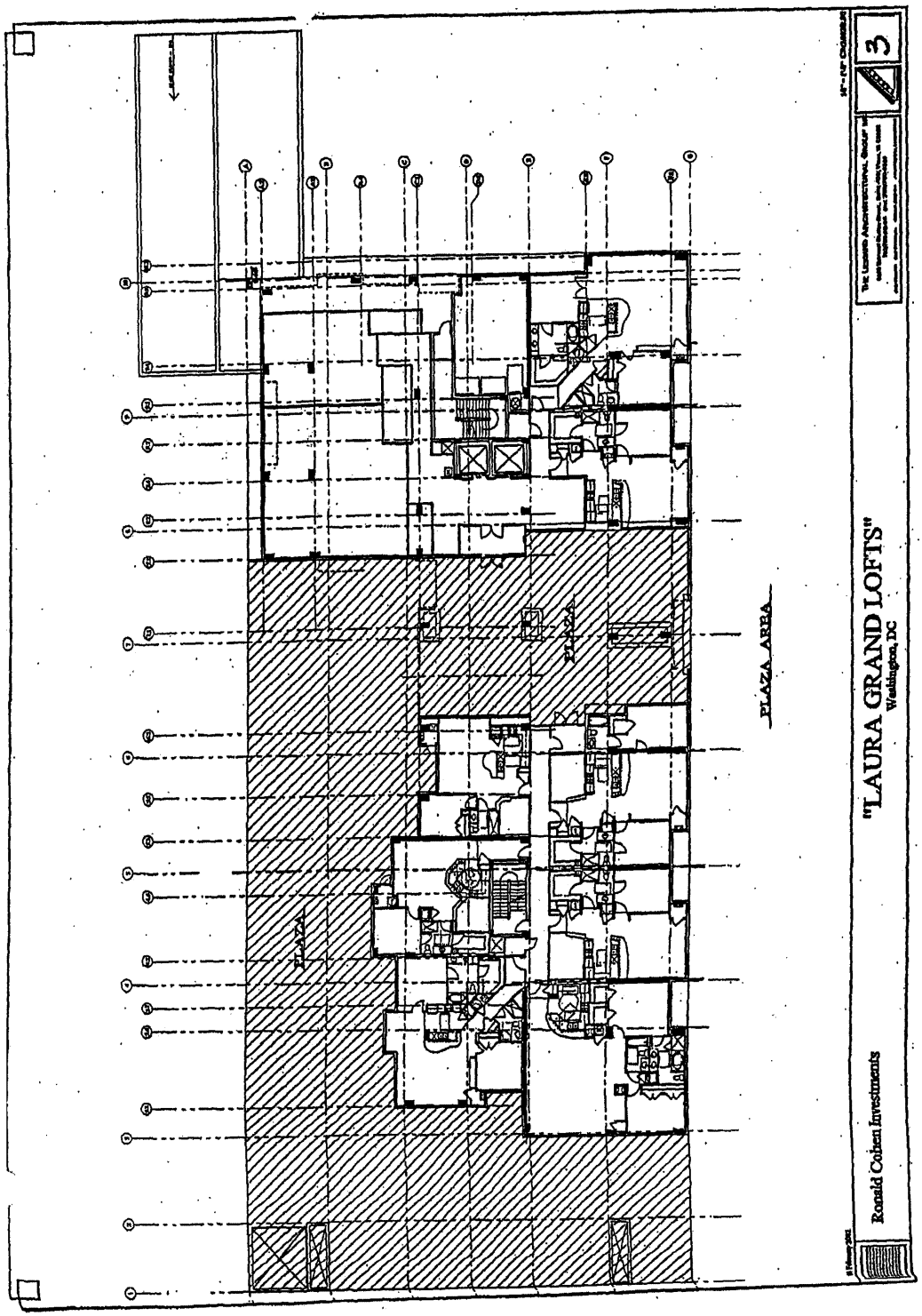
P:\Congressional Realty\CRG002(Laura Grand)\ Zoning Requirements 02-14-02

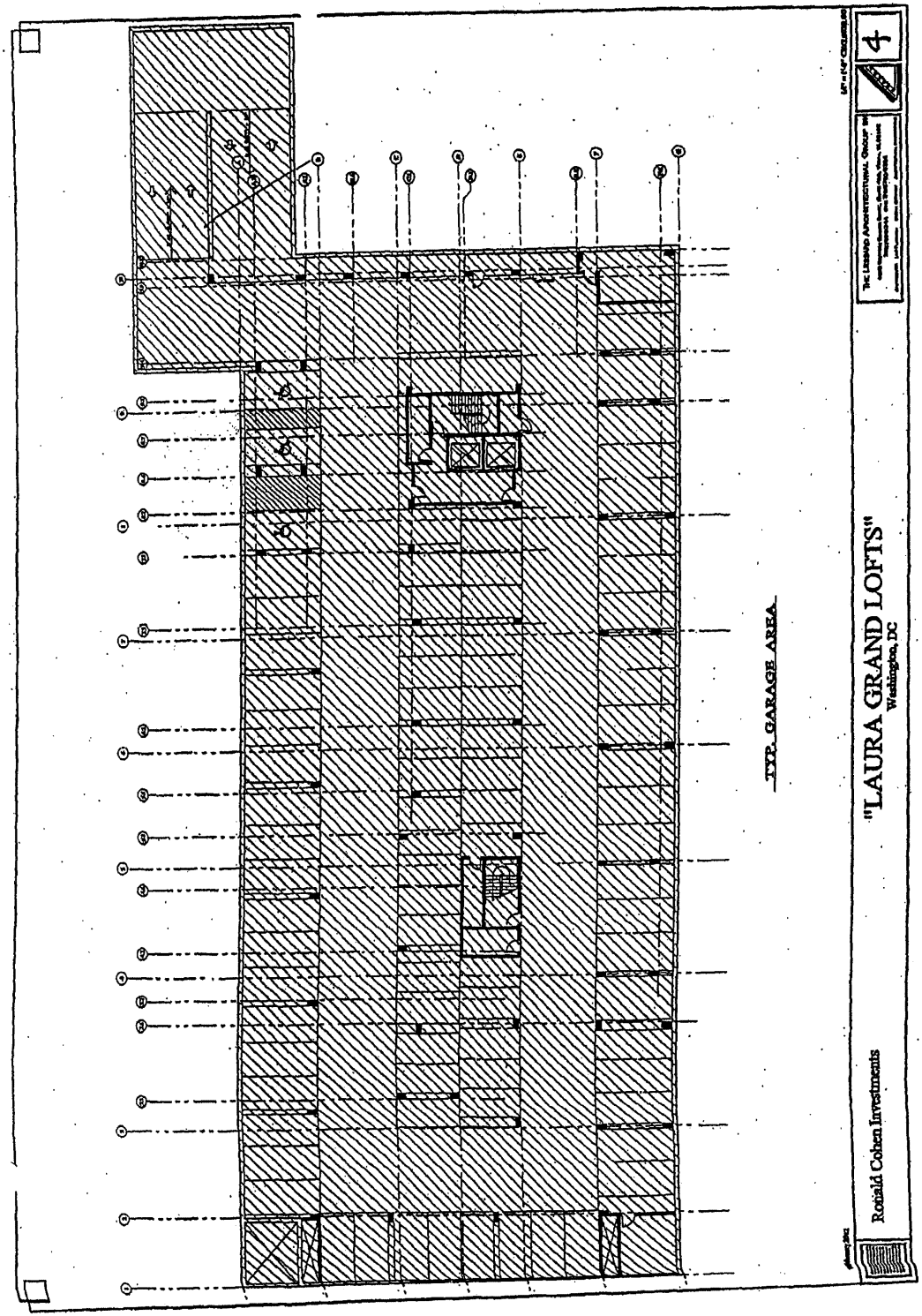
Square 749 Residential Requirements/Comparison

	Allowed per PUD Order #783	Provided
FAR	Maximum of 8.0 (see condition #2)	Bldg. Gross Area - 218,237 Lot Area 29,413 = 7.41
Building Height	Maximum of 130'0" (see condition #3)	130'0"
Total Units	Minimum of 200 units (see condition #6)	167 units
Parking Required	One space per 2 D/U (see condition #7)	165 provided (or twice what is required by the PUD order)
Building Material	Dark red/brown brick Skin color @ base and buff color finish above base (see condition #18)	Provided with some modifications in order to achieve the "loft" look
Windows	Both buildings shall have off-white pre-finished aluminum frames and insulated glass (see condition #19)	Provided
Loading Activity	All loading activity shall be from I. Street, NE (see condition #13)	Provided

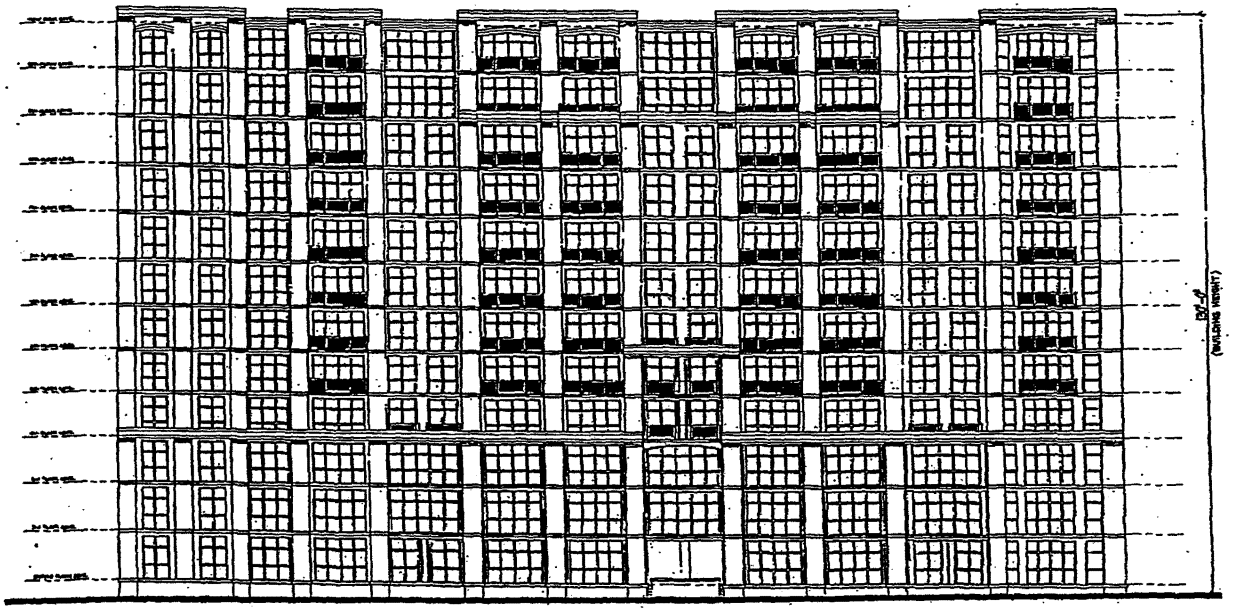

"LAURA GRAND LOFTS"
Washington, DC
Ronald Cohen Investments
BUILDING SIZE
OLD BUILDING LINE


2
"LAURA GRAND LOFTS"
Washington, DC
Ronald Cohen Investments
LOT OCCUPANCY


PLAZA AREA
PLAZA
PLAZA
"LAURA GRAND LOFTS"
Washington, DC
Ronald Cohen Investments
3


4
"LAURA GRAND LOFTS"
Washington, DC
Ronald Cohen Investments
TYP. GARAGE AREA

Mar 08 02 05:46p Jeanie 703-760-8704 p.7



BUILDING HEIGHT

Ronald Cohen Investments

"LAURA GRAND LOFTS"
Washington, DC

5

3RD STREET ELEVATION

OLD ELEVATION

7

The Maynood Company

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1420 BEVERLY ROAD SUITE #200 McLEAN, VIRGINIA 22101 (703) 448-0400

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The three defining features of loft product, conversion or new, are *Height, Light, and Space.* Ceiling heights in traditional condominium product range from 8 to 9 feet. At the Laura Grand Lofts, ceiling heights will be 11 feet. With overscaled industrial grade windows, the Laura Grand condominiums will be flooded with sunlight. Finally, with the creative direction provided by the Lessard Architectural Group, the individual unit plans will feature large open spaces offering flexibility and individual adaptability. Finally, the finish elements will echo reverberations of an industrial past including exposed ducting, concrete and hardwood floors and brick interior walls. The Laura Grand Lofts are about the love of light and space and the city.

During the 1990's, the residential housing market in the District experienced a renaissance in both rental and for sale housing. The renewed viability of the U Street neighborhood and Capital Hill are excellent examples of this. We believe that Columbia Heights, NOMA, and the near North East neighborhoods around Union Station are prime locations where this resurgence of housing will continue and succeed. The timing is right for a well designed and properly aimed residential development like Laura Grand Lofts.

THE MAYHOOD COMPANY

The Mayhood Company was established in 1983 by David R. Mayhood. The firm specializes in the design, merchandising, marketing and sale of multi-family housing communities in the Washington, DC Metropolitan area. Since 1983, The Mayhood Company has been directly involved in the successful sales and marketing of over 110 condominium and townhome communities in the Metropolitan area for some of the area's largest developers and lending institutions.

Specifically in the District, the Mayhood Company has been involved in the sales and marketing of over 25 of the most notable condominium communities. Some of these include Market Square in Penn Quarter, Emerson House and The Metropolitan in the West End, The Richmond on 17th Street and Kalorama Place. The most recent projects in the District include The Lincoln at 12th and U Streets and Wardman Court at 13th and Clifton Streets. The company will be beginning a sales program in early November at Adams Court, 68 units at the Columbia Heights Metro.

The Mayhood Company

8

GMAC Commercial Mortgage Corporation
8614 Westwood Center Drive, Suite 540
Vienna, VA 22182
Tel. 703-790-2780
Fax: 703-790-2790

GMAC
Commercial Mortgage

June 26, 2002

Ronald Cohen
Ronald Cohen Investments
6500 Rockspring Drive
Suite 302
Rockville, Maryland 20817

RE: The Project at 200 K Street NE
Washington, DC

Dear Ron:

It was a pleasure meeting with you this week regarding construction and permanent financing for the project. As you know, we have been involved in several financings around Union Station and we think that area will continue to evolve as an enclave for commercial office use by the Federal Government as well as the District of Columbia. Obviously many of those workers will be attracted to well-designed and reasonably priced housing in close proximity to where they work.

GMACCM is a market leader in the real estate lending industry. Besides providing construction loans, bridge loans, and permanent loans, we currently have over $135 billion in our servicing portfolio, making us the largest commercial loan servicer in the country. We continue to look favorably on multi-family projects as well as large construction loans. I hope I remembered to mention that we are currently closing on a $125 million construction loan in downtown Washington.

Beyond being a train station and the busiest taxicab stand in the city, Union Station has now become a successful destination retail location that will serve as the center of substantial future growth. We share your enthusiasm for the area and look forward to working with you on the project.

Very truly yours,

L Marvin Hill
Vice President
GMAC Commercial Mortgage Corporation

THE LESSARD ARCHITECTURAL GROUP INC.

1703 WESTWOOD CENTER DRIVE, SUITE 400 VIENNA, VA 22182 • 703/760-9344 • FAX 703/760-9328 • WWW.LESSARDGROUP.COM

March 25, 2002

VIA FEDEX

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DC Office of Planning
801 North Capitol Street, NW
Suite 400
Washington, DC 20001

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Carlos Vazquez
Senior Vice President

Todd Zalkin 703 770-3518

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Laura Grand Design



PERSPECTIVE

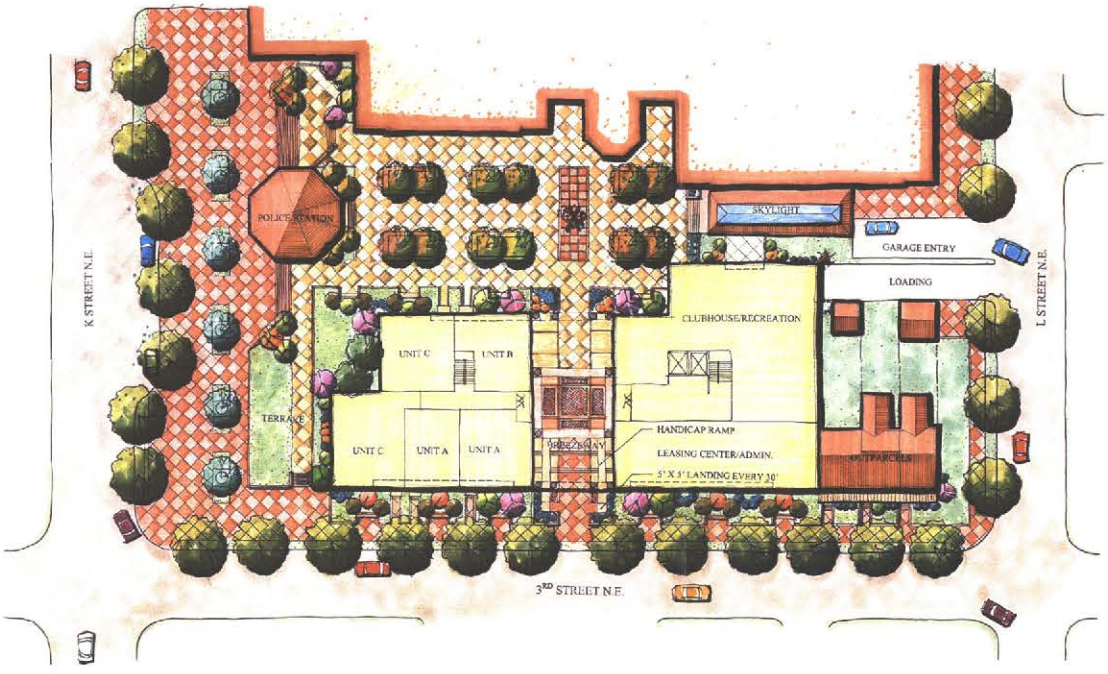
CRG002B

RONALD COHEN INVESTMENTS

"LAURA GRAND LOFTS"

Washington, DC

THE LESSARD ARCHITECTURAL GROUP INC.



SITE TABULATIONS:

Unit A:	53 units	(37% min.)
Unit B:	18 units	(13% min.)
Unit C:	65 units	(45% min.)
Unit D:	7 units	(5% max.)

Total Residential: 143 units

GRAPHIC SCALE

MAY 14, 2001
CRG 002B

CONCEPT PLAN
GROUND LEVEL EXHIBIT

RONALD COHEN INVESTMENTS

"THE LAURA GRAND"
WASHINGTON, DC

THE LESSARD ARCHITECTURAL GROUP, INC.
8603 Westwood Center Drive, Suite 400, Vienna, VA 22182
703/760-0344 • Fax 703/760-0328
Architecture • Land Planning • Urban Design • Architectural Illustration

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POLICE/ L LEVEL

Building Plans

30 July 2001

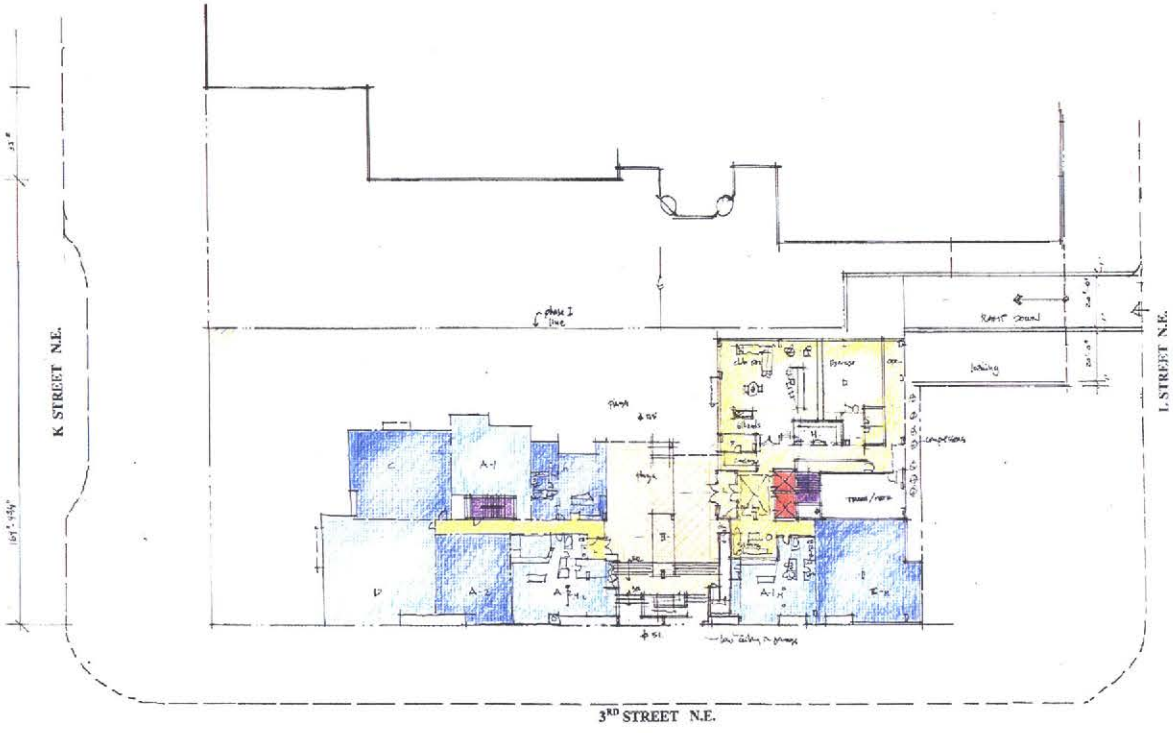
1/16" = 1'-0" CRG002B.00

Ronald Cohen Investments

"LAURA GRAND LOFTS"

Washington, DC

THE LESSARD ARCHITECTURAL GROUP INC.
8603 Westwood Center Drive, Suite 400, Vienna, VA 22182
703/760-9344 • FAX 703/760-9388
Architecture • Land Planning • Urban Design • Architectural Illustration



GROUND FLOOR PLAN

Building Plans

30 July 2001

1/16" = 1'-0" CRG002B.00

Ronald Cohen Investments

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UNIT A



UNIT A-2

Unit Plans

5 September 2001

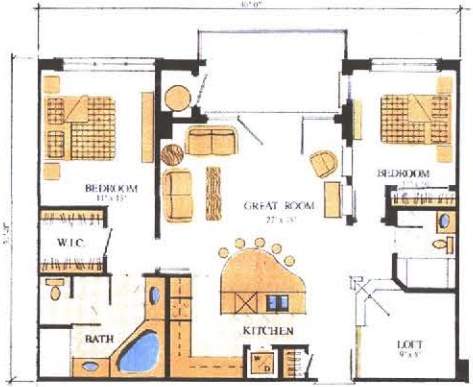
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Ronald Cohen Investments

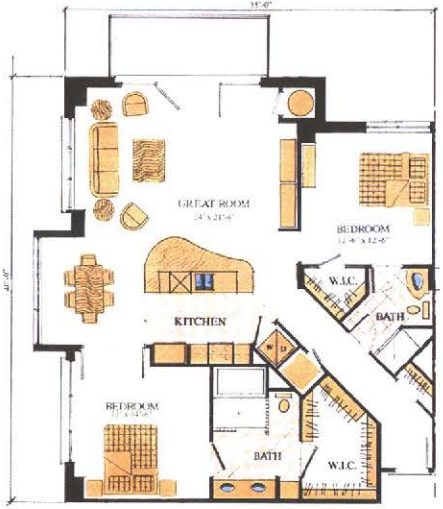
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Washington, DC

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703/760-8344 • FAX 703/760-9338



UNIT B



UNIT C

Unit Plans

5 September 2001

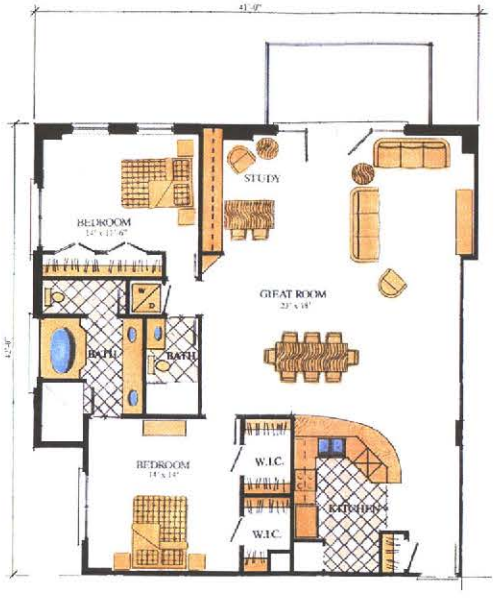
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Ronald Cohen Investments

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Washington, DC

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UNIT D

1632 sf

Unit Plans

5 September 2001

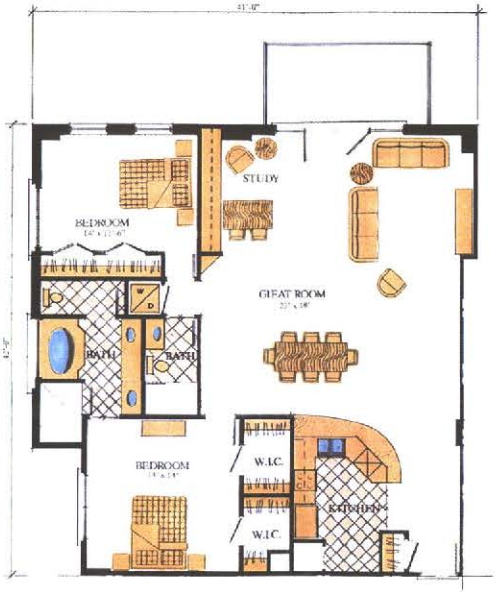
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Washington, DC

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UNIT D

1632 sf

Unit Plans

5 September 2001

1/4" = 1'-0" CRG0020.00

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2-BR Corner Unit



1-BR Interior Unit



2-BR Interior Unit

Conceptual Unit Plans

JUNE 4 , 2001

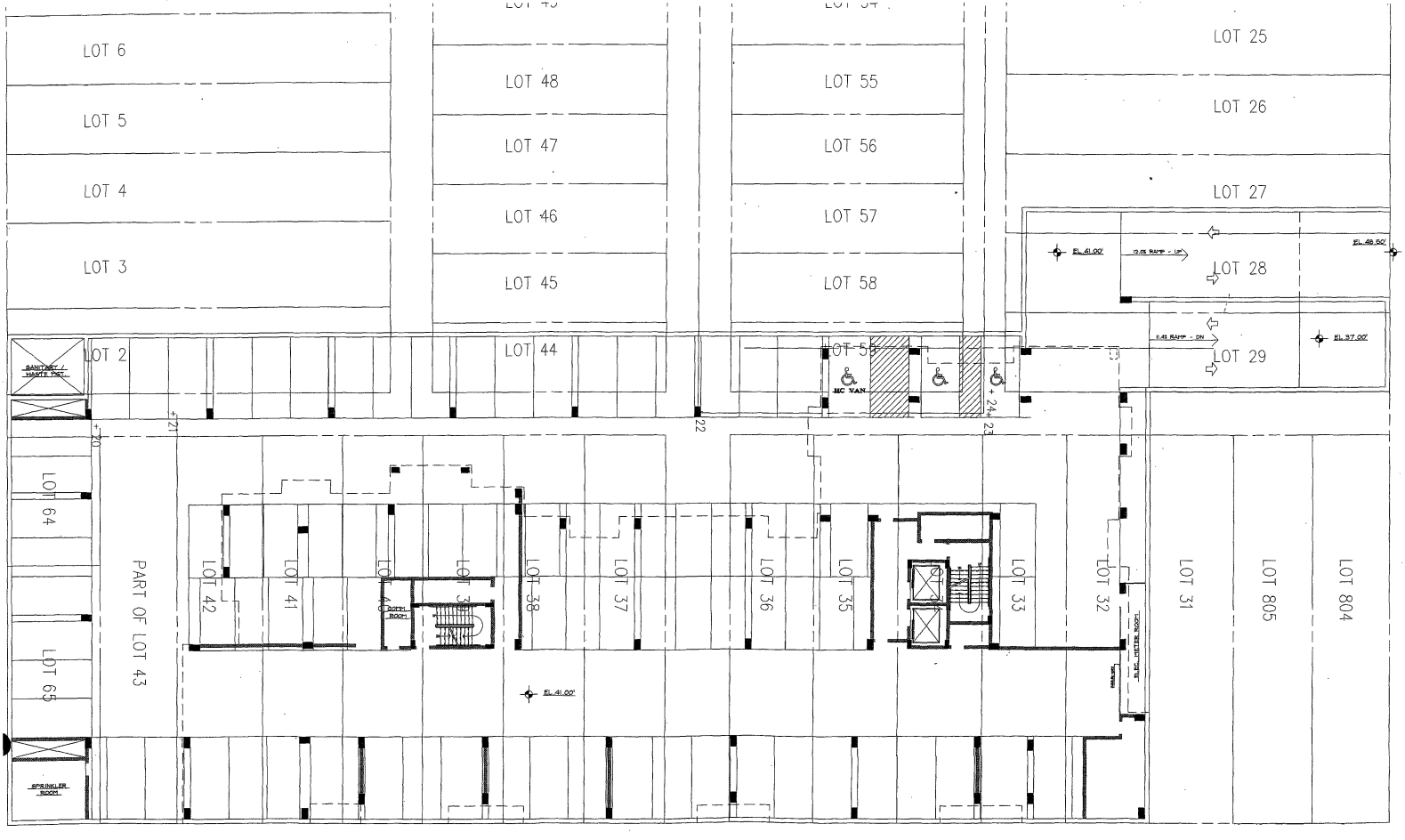
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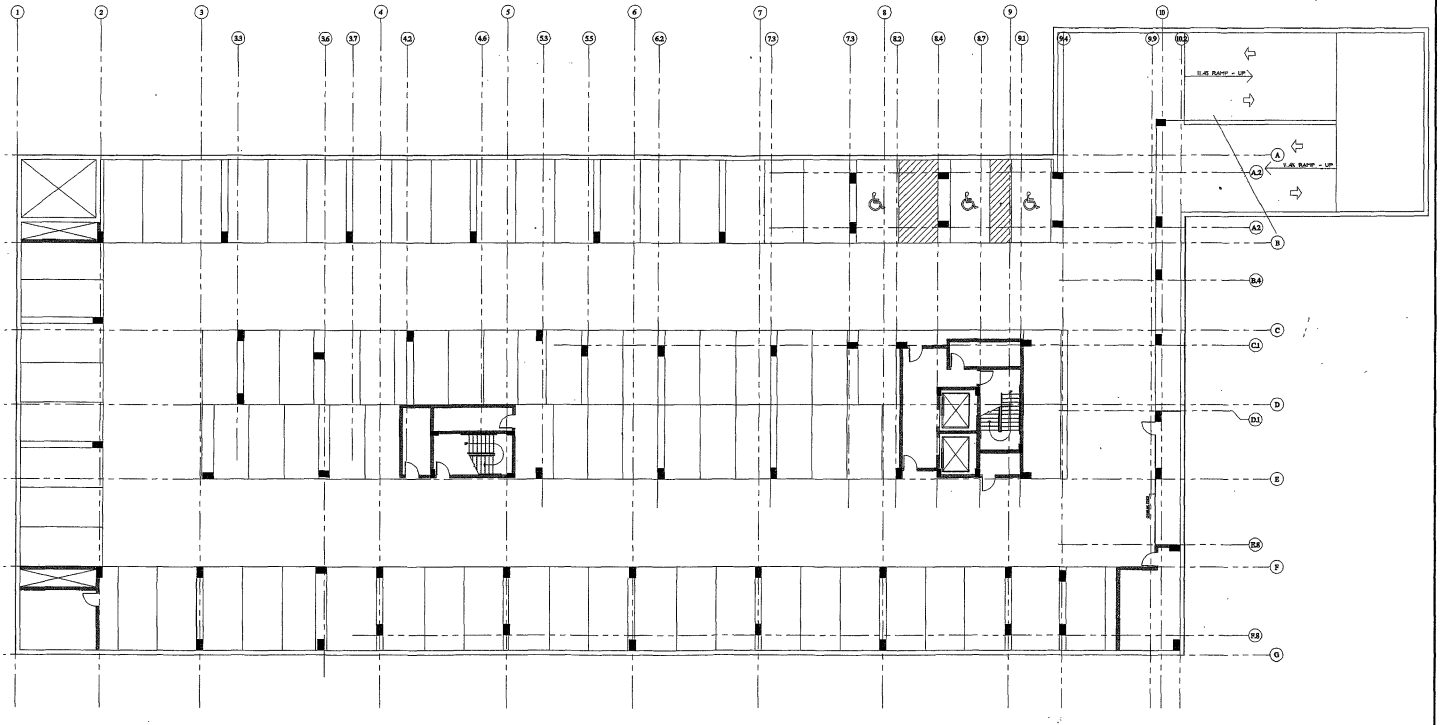
THE COHEN COMPANIES

" THE LAURA GRAND "

WASHINGTON , DC

THE LESSARD ARCHITECTURAL GROUP INC.
8603 Arlington Center Drive, Suite 400, Vienna, VA 22182
703/760-9344 • fax 703/760-9328
Architecture • Land Planning • Urban Design • Architectural Illustration


LOT 6
LOT 5
LOT 4
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LOT 2
LOT 48
LOT 47
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LOT 56
LOT 57
LOT 58
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
EL. 41.00'
12.0% RAMP - UP
EL. 48.50'
8.4% RAMP - DN
EL. 37.00'
SANITARY / WASTE PIPE
MC VAN
+20
+21
22
+24
23
LOT 64
LOT 65
PART OF LOT 43
LOT 42
LOT 41
LOT 40
LOT 39
LOT 38
LOT 37
LOT 36
LOT 35
LOT 33
LOT 32
LOT 31
LOT 805
LOT 804
PUMP ROOM
EL. 41.00'
SPRINKLER ROOM



TYP. GARAGE AREA

04 February 2002

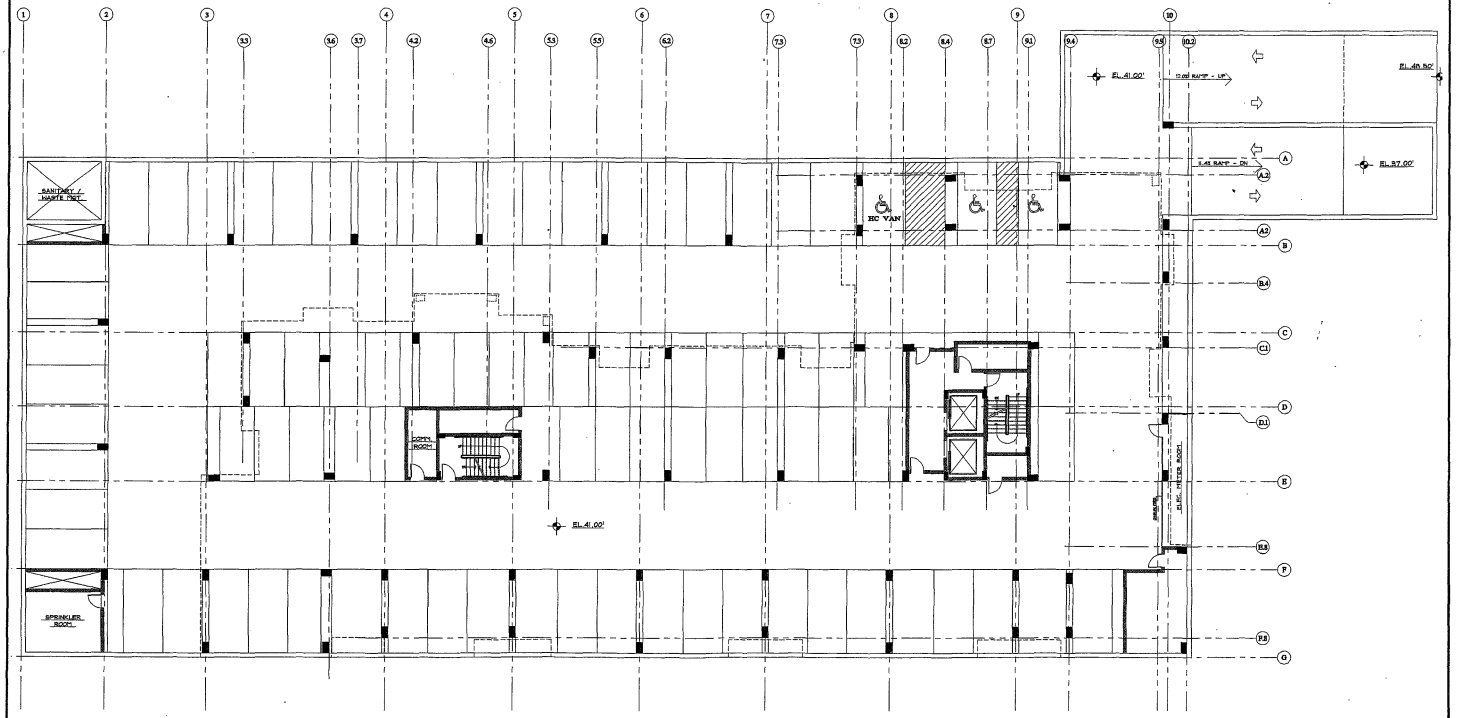
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703/790-9344 FAX 703/790-9258
ARCHITECTURE LAND PLANNING INTERIOR DESIGN ARCHITECTURAL ILLUSTRATIONS



BI LEVEL FLOOR PLAN

06 December 2001

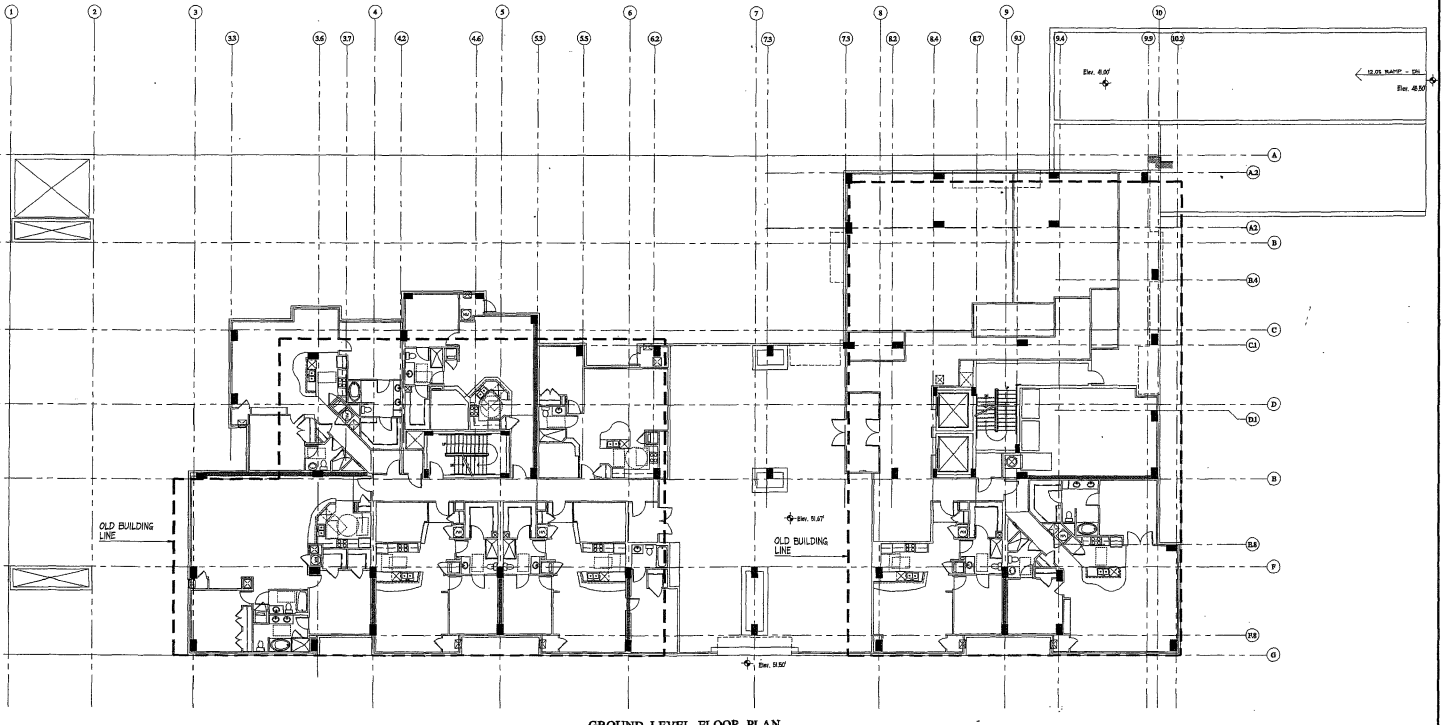
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"LAURA GRAND LOFTS"

Washington, DC

THE LESSARD ARCHITECTURAL GROUP INC
8603 WESTWOOD CENTER DRIVE, SUITE 400, VIENNA, VA 22182
703/790-9344 FAX 703/790-9328
ARCHITECTURE LAND PLANNING URBAN DESIGN ARCHITECTURAL ILLUSTRATIONS



GROUND LEVEL FLOOR PLAN

OLD BUILDING LINE

06 December 2001

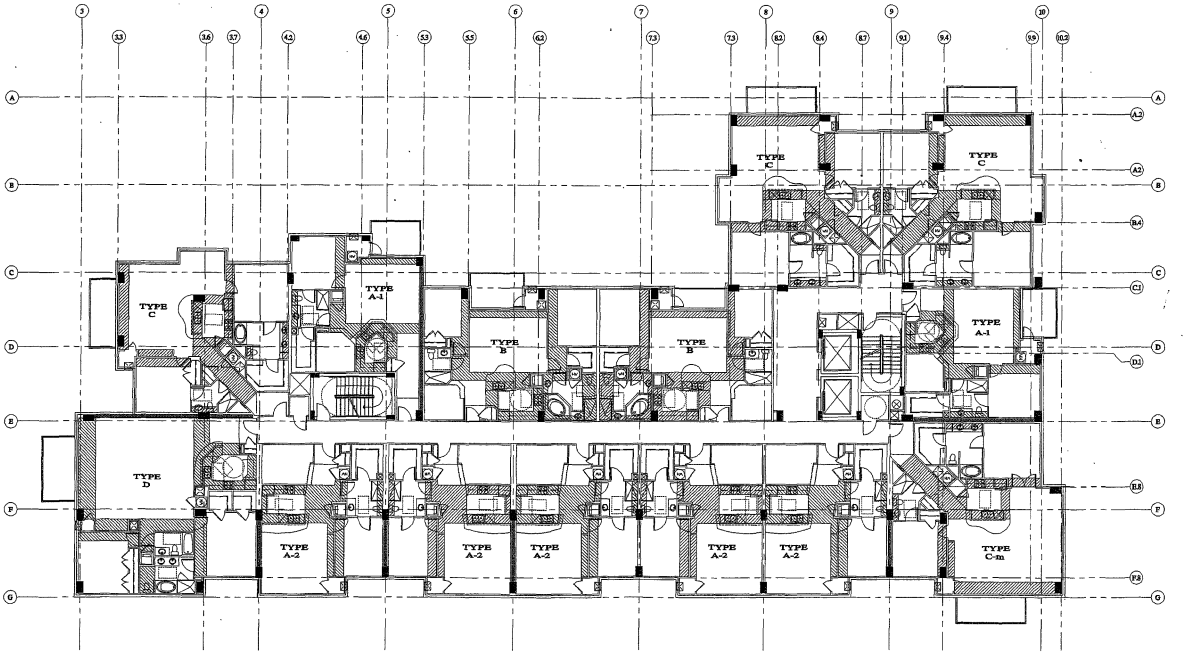
1/8" = 1'-0" CRG.002B.00

Ronald Cohen Investments

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TYPICAL LEVEL FLOOR PLAN

06 December 2001

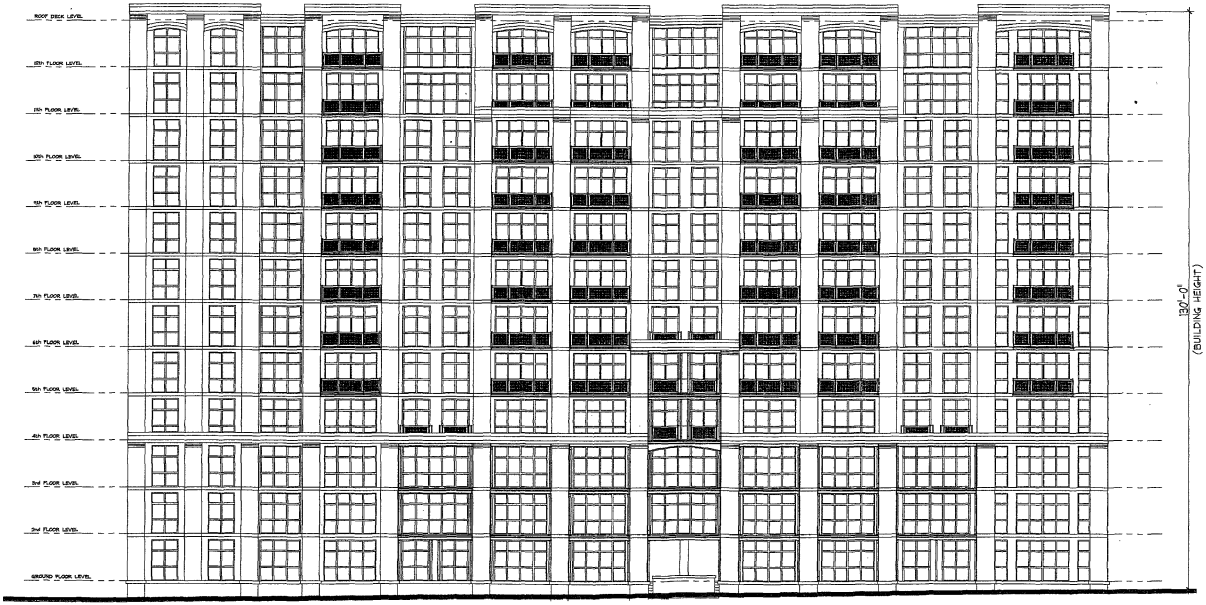
1/8" = 1'-0" CRG.002B.00

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BUILDING HEIGHT

04 February 2002

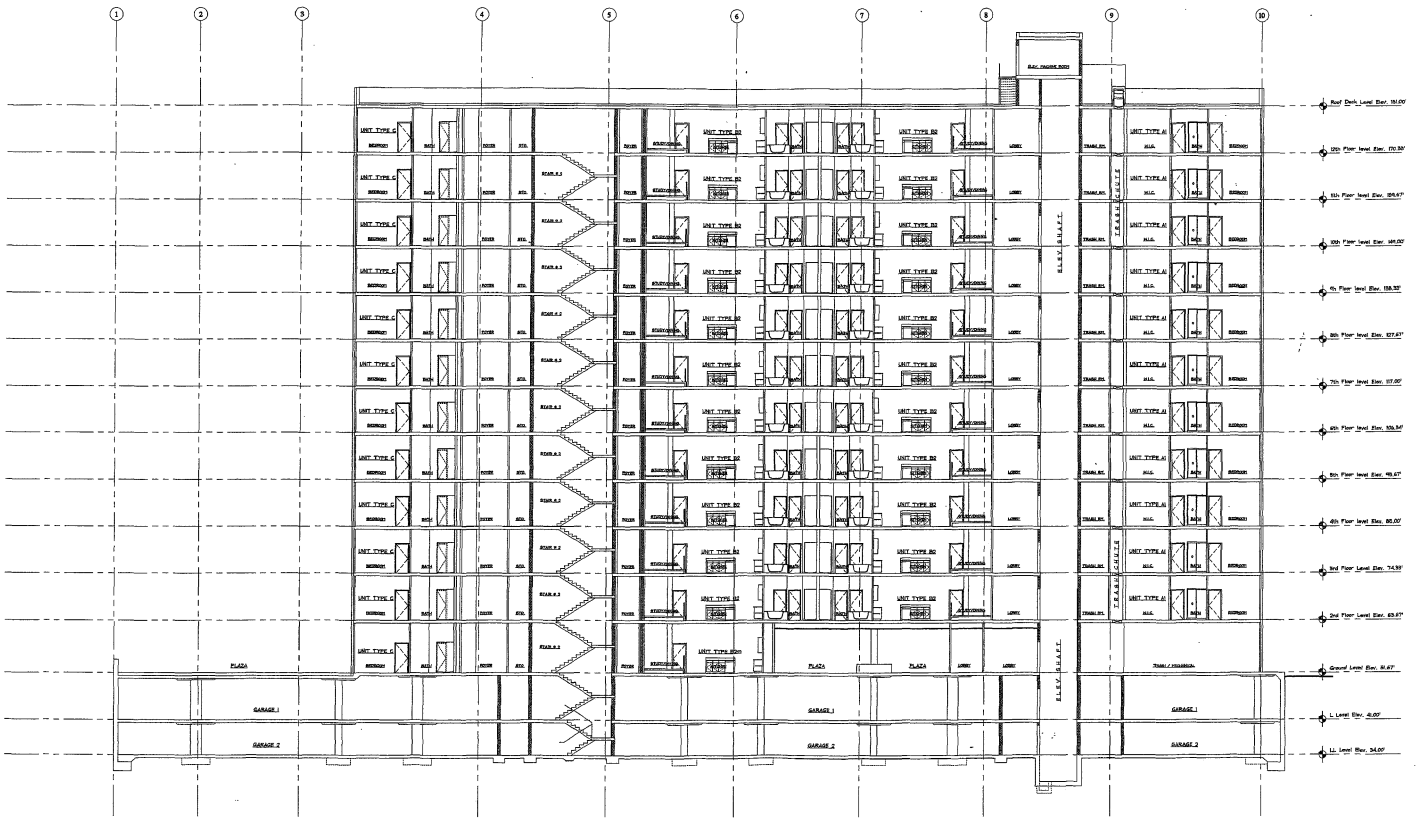
1/8" = 1'-0" CRG.002B.00

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BUILDING SECTION 'A-A'

1/8" = 1'-0" CRG.002B.00

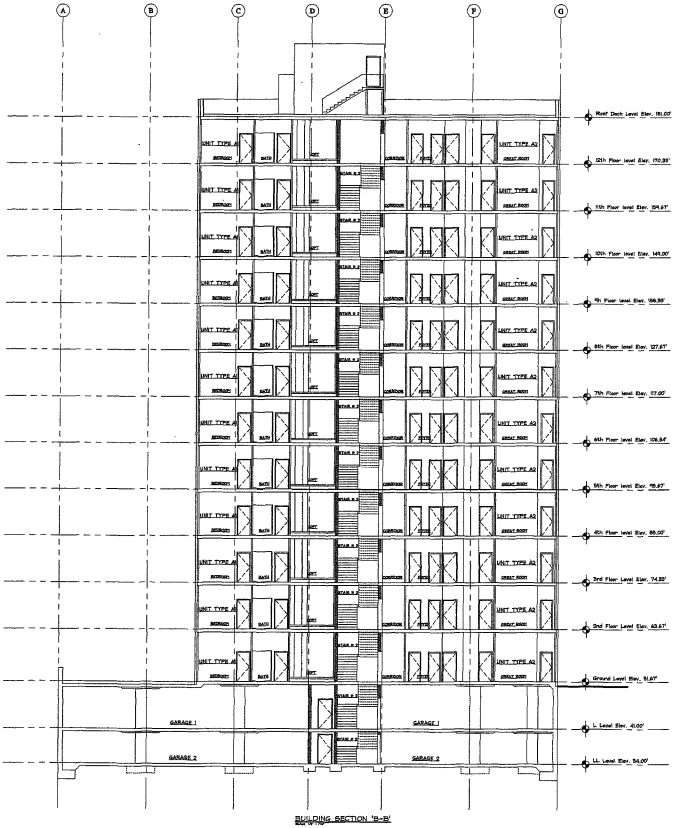
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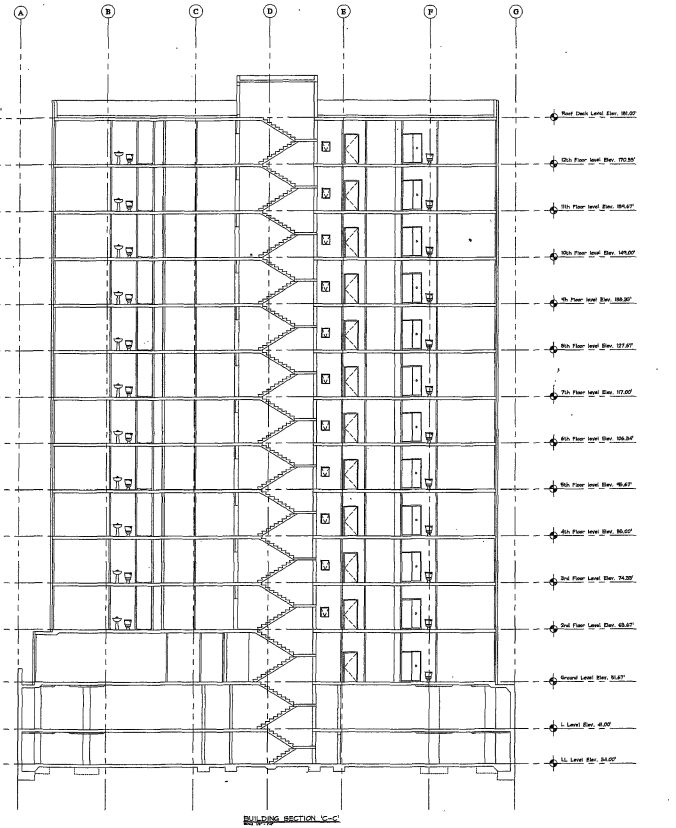
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BUILDING SECTION 'B-B'



BUILDING SECTION 'C-C'

1/8" = 1'-0" CRG.002B.00

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