

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING

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Office of the Director

MEMORANDUM**TO:** D. C. Zoning Commission**FROM:** Jennifer Steingasser, Deputy Director *JS***DATE:** August 20, 2008ZONING COMMISSION
District of ColumbiaCASE NO. 02-51BEXHIBIT NO. 3**SUBJECT:** Preliminary Hearing Report on Zoning Commission Case Number 02-51-B
Extension of a Planned Unit Development located at 1616 Rhode Island Avenue
(Square 182, Lot 82)**APPLICATION**

The Center for Strategic and International Studies, Inc. (CSIS), the applicant, is requesting a one-year extension of the First Stage Planned Unit Development (PUD) approval associated with Zoning Commission Order No. 02-51-A. The reason for this request is to secure additional time for completion the architectural plans needed to submit an application for the Second Stage PUD approval.

RECOMMENDATION

The Office of Planning (OP) recommends approval because this request meets the standards under §2408.10 of the Zoning Regulations.

BACKGROUND

The subject lot 82 is one of two parcels within the existing PUD. Both properties are in the Central Employment Area, south of Rhode Island Avenue, N.E., southwest of Scott Circle, and zoned C-4 and Dupont Circle (DC) Overlay (please refer to Exhibit 1) and were formerly a single 32,645 square-foot lot that was the site of the Gramercy Inn (now demolished). Lot 82, the subject property, has a total area of 15,394 square feet and is currently used as a commercial parking lot. Adjacent lot 83 (immediately east at 1608 Rhode Island Avenue, NW) has an area of 17,331 square feet and is occupied since 2001 by the 176,300 square foot University of California ("UC") office, classroom, and apartment building prescribed on this lot under the current PUD.

Surrounding development consists primarily of mid- and high-rise office and hotel uses. East of the PUD, across an alley ten feet wide, is a Courtyard by Marriott Hotel at the Rhode Island Avenue intersection with Sixteenth Street, NW. To the west, across another alley on property located at 1640 Rhode Island Avenue, NW is the headquarters of the Human Rights Campaign, formerly the offices of B'nai B'rith International and the National Jewish Museum. These properties and the balance of Square 182 are in a DC/SP-2 district. Across Rhode Island

Avenue, NW to the northwest are Scott Circle Park and the Governor's House Hotel, both in a SP-1 district. To the south are the Sumner School and Museum, and Sumner Square office development. Further south across M Street, NW is the National Geographic Headquarters. These properties are in a DC/C-4 district.

The current PUD is the result of a number of Zoning Commission actions listed in Exhibit 2. More recently:

- On April 11, 2005, Rhode Island Associates Limited Partnership, the previous property owners and applicants, filed a request to further modify PUD Order No. 638-F.
- The Commission set down this application and scheduled a public hearing on September 30, 2005.
- In light of preliminary matters raised on the night of the public hearing, the Commission continued the hearing until December 1, 2005.
- During the continued public hearing, the Commission directed the applicant to reapply for relief as a First Stage PUD.
- On December 14, 2006, a public hearing was held on the new First Stage PUD application.
- The Commission approved this application and subsequently issued Order 02-51-A on June 29, 2007.

Subsequent to this approval, CSIS purchased the subject property and set about redesigning the preliminary building plans to meet its program requirements in order to file the application for Second Stage PUD approval. Condition No. 11 of the Order 02-51-A required filing this application by June 29, 2008, one year after the First Stage approval. This one-year extension of this deadline to June 29, 2009 was requested because the new plans were not completed prior to the deadline.

ANALYSIS

The Office of Planning contrasted this request, to continue the First Stage PUD approval for a year, against standards under § 2408 of the Zoning Regulations:

2408.10 The Zoning Commission may extend the periods set forth in §§2408.8 and 2408.9 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; Provided that the Zoning Commission determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond; These are the only two parties to the referenced in Zoning Commission Order No. 02-51-A. The applicant's Motion for Extension of Time dated June 26, 2008 was delivered to Advisory Neighborhood Commission (ANC) 2B, and the University of California (owner of adjacent Lot 83 within the PUD) on June 27, 2008. A copy was also supplied to the Office of Planning.*

- (b) *There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission's justification for approving the original PUD; OP did not identify any changes to material facts that would undermine the Commission's earlier justification.*
- (c) *The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in §2408.11. The evidence is described below.*

2408.11 For purposes of § 2408.10(c), an extension of the validity of a planned unit development may be granted by the Zoning Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) *An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; This criteria is not applicable to this request.*
- (b) *An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; This criteria is not applicable to this request.*
- (c) *The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order. As stated in the request:*
 - a. DC land records include the deed made on August 14, 2007 for transfer of the subject Lot 82 from Rhode Island Associates Limited Partnership, the previous owner and applicant, to CSIS.
 - b. According to this application, CSIS subsequently held a design competition for an architect, "... to evaluate its needs, redesign the building for a single user and develop a design vernacular consistent with the First Stage PUD approval and the surrounding buildings."
 - c. The project architect was selected in the spring of this year.

As a consequence of the timing of the land transfer and architect selection process, additional time is required to complete final architectural plans, a key element of the Second Stage PUD application.

Based on these circumstances, OP concluded that this request meets standards of §2408.10.

COMMUNITY COMMENTS

As stated above, this proposal was forwarded to Advisory Neighborhood Commission (ANC) 2B and the University of California on June 27, 2008. To date no written responses to this request have been added to the record file.

RECOMMENDATION

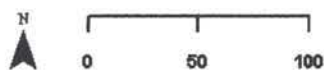
OP recommends approval.

Attachments: Exhibit 1 Site Aerial with Zoning
Exhibit 2 A Brief History of Associated Zoning Activity

JS/afj



Z.C. Application No. 02-51A/01-04M/98-12M/88-32C
1616 Rhode Island Avenue, N.W.



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

Office of Planning ~ April 21, 2005

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

- Property Squares
- Street Centerlines
- Zoning Districts

A Brief History of Associated Zoning Activity

- Final Order #638: The original approved PUD would have redeveloped the original lot with the a single building with a maximum 8.5 FAR: no more that 6.90 FAR devoted to retail/commercial uses; and at least 1.64 FAR devoted to residential uses. Retail uses would occupy at least 9,000 square feet of the ground floor, commercial space would be provided on floors 1 through 8, and 48-52 rental apartment dwellings would be on floors ninth and tenth. The building height was limited to 106 feet and the lot occupancy was not to exceed 93%. A minimum of 125 parking spaces would have been provided on-site for the retail/commercial uses as well as one space of each apartment (a total of 173-177 spaces). Amenities approved with this project included:
 1. The provision of approximately 52 units of rental housing in the Downtown.
 2. Replacing the vacant and deteriorating Gramercy Inn with a mixed-use residential and commercial development that is compatible with area land uses and zoning (note that the total planned FAR was to be 8.5).
 3. A project with compatible architectural features and landscaping.
 4. A development that would generate approximately \$1.2 million in annual real estate tax revenue and other tax revenues (sales, employment, etc.).
 5. Temporary construction jobs, up to 48 full-time and 70 part-time employment opportunities in the retail component, six full-time and twelve part-time employment opportunities in the commercial component and seven opportunities in the residential component.
 6. Signing a First Source Agreement to encourage employment of workers residing in the District.
 7. Signing a Memorandum of Understanding with the Minority Business Opportunity Commission so that opportunities for minority business involvement would be provided in all phases of this development.
 8. Contributing \$150,000 to help fund the renovation of the John W. Ross Elementary School at 1730 R Street, NW

This Order also required construction had to begin within three years of its effective date (or by December 15, 1992).

- Within ten days of this approval, the applicant requested Zoning Commission reconsideration of concerning the required number of apartment units and on-site parking spaces. After consideration of the applicant's request, the Zoning Commission:
 1. increased the number of apartment units on two floors to 56;
 2. adopted alternative plans for UC underground parking;
 3. granted the authority to vary the arrangement of underground parking; and
 4. required recordation of a covenant that "shall bind the owner and all successors to construct and use the property in accordance with this Order"; and any subsequent amendments approved by the Zoning Commission.

Final Order No. 638-A became effective on March 9, 1990. The Commission also made these revisions valid for two years after that date.

- On June 26, 1992, Final Order No. 638-B took effect, thereby extending Final Order Nos. 638 and 638-A for two years until March 9, 1994.
- On August 1, 1994, a public hearing was held on Zoning Commission Case No. 93-13M/88-32C. The applicant requested: to be allowed to construct a commercial parking facility on the subject property as an interim use for a period, not to exceed three years; and for the Commission to reconsider of previous conditions. The Zoning Commission approved the interim use of site as a parking lot; the associated site and landscaping plans; and allowed the applicant the flexibility to make minor changes to the lot.

Subsequent to Zoning Commission action, Final Order No. 638-C took effect on June 26, 1992; thereby extending Final Order Nos. 638, 638-A and 638-B for three more years until March 9, 1997 (the Certificate of Occupancy for the interim parking use would also expire).

- In a letter dated September 28, 1994, the applicant requested that the Commission reconsider the three-year limitation on the interim parking use and the related Certificate of Occupancy (CO).

Subsequent to Zoning Commission action, Final Order No. 638-D took effect on March 71, 1995, extending the maximum duration of the interim use by six months to September 9, 1997 *without* changing the duration of the PUD.

- On July 25, 1997, Final Order No. 638-E became effective, thereby: extending Final Orders No. 638, 638-A, 638-B and 638-C for two years; and extending Final Order No. 638-D (related to the interim parking use) for eighteen months; and causing all these orders to expire on March 9, 1999.
- On December 14, 1998, Zoning Commission Application 98-12M was approved to amend the referenced PUD (and subsequent extensions). Final Order No. 638-F authorized divided the allowable FAR between two lots and two buildings (a maximum 8.5 FAR for a "UC" building on lot 83 and 7.9 FAR for an inn on lot 82); and the reduction in the overall maximum allowable FAR from 8.5 to 8.2 (maximum 5.15 FAR of non-residential uses including academic/office/extended stay uses and minimum 3.05 FAR of residential uses).

The University of California building consists of 11 floors, an 8.5 FAR and a total floor area of 147,305 square feet, of which 99,750 square feet (5.76 FAR) will be for residential uses and 47,555 square feet (2.24 FAR) for other uses. Fifty-seven parking spaces would be provided in a two-level underground garage.

The planned Homestead Village inn was to consist of first floor ancillary services and 220 units on 11 floors, totaling 121,000 square feet (7.9 FAR). Fifty-seven parking spaces would have been provided in another underground garage. The building lot occupancy was not to exceed 93%. Additional amenities and benefits approved with this amendment included:

1. Overall development to 8.2 FAR on the combined acreage of both sites:
 - a. The UC development on lot 83 would not exceed an 8.5 FAR
 - b. The inn development on lot 82 would not exceed 7.9 FAR.
 - c. Overall, 3.05 FAR would be for residential uses and 5.15 FAR for academic/office/extended day uses.
2. A development that would generate annual tax revenue of \$1.5 million
3. The maximum height was not to exceed 106 feet.
4. The UC building was set back from the east property line by five feet to widen the adjacent public alley to fifteen feet, and the proposed inn would set back from its western property line eleven feet to widen the adjacent alley to 21 feet.
5. Temporary construction jobs, up to 48 full-time and 70 part-time employment opportunities in the retail component, six full-time and twelve part-time employment opportunities in the commercial component and seven opportunities in the residential component.
6. Establishment of a mentoring program between the University of California and Ross Elementary School (or a substitute facility agreeable to the UC and Advisory Neighborhood Commission 2B) prior to the issuance of a Certificate of Occupancy for the UC building (the obligation is limited to lot 83).
7. Additional contributions of: \$10,000 to the Dupont Citizens Association for the completion of the Dupont Circle Resource Center by Rhode Island Associates Limited Partnership (the applicant for this amendment) prior to the first to occur of: the issuance of a building permit for the inn; or the issuance of a building permit for the UC building; \$25,000 donation by Homestead Villages, Inc. (developer of the inn) to the National Parks Service for improvements to Dupont Circle Park (this obligation is assigned to subject lot).

It was noted that three amenities and benefits required under Final Order No. 638 had been provided: a \$150,000 donation to the District of Columbia Board of Education; First Source Agreement with the Department of Employment Services; and Memorandum of Understanding with the Minority Business Opportunity Commission (MBOC) to involve minority establishments (in the University of California project).

- The Final Order also required construction had to begin within two years of its effective date (or by December 3, 2000). The Certificate of Occupancy for the UC building issued in September 2002.
- Final Order No 871-A became effective on October 12, 2001, extending Order No. 638-F until December 31, 2002.
- Final Order No. 02-51 became effective on September 5, 2003, extending Order No. 638-F until April 14, 2005.
- Final (Current) Order No. 02-51-A became effective on June 29, 2007 granting First-Stage approval of a modified PUD subject to guidelines, conditions and standards including:
 1. In accordance with the plans and materials noted above, the office building shall consist of approximately 129,680 square feet of gross floor area with a FAR of 8.4. The building shall contain nine stories and be no greater than 104 feet tall. Approximately 90 parking spaces must be provided in the below-grade garage.
 2. The PUD shall have a maximum FAR of 8.5 and a maximum height of 106 feet. The lot occupancy of the PUD Site shall be no greater than 96%.
 3. Rhode Island Associates Limited Partnership shall provide a "green" design package that is substantially similar to that which is included as Exhibit 3 of the Office of Planning's final report submitted on December 4, 2006 ...
 4. The Project shall be set back 2 1/2 feet from the west alley to a height of 15 feet.
 5. In addition to the benefits and amenities that the Partnership has previously provided, the Partnership must submit proof payment of the following contributions prior to issuance of a building permit issued pursuant to any second stage approval: \$220,000 to planned improvements in Stead Park; \$25,000 to improvement of Scott Circle Parle; \$25,000 to the Dupont Circle Citizens Association; \$20,000 to Ross Elementary School; \$10,000 to Francis Junior High; and \$100,000 to Affordable Housing. In its second stage application, the applicant shall provide greater specificity concerning the affordable housing donation, such as the identity of the recipient of the donation and the nature of the recipient's affordable housing program.
 6. Rhode Island Associates Limited Partnership shall provide at least 5% of the below grade parking spaces for car-sharing vehicles or fuel efficient vehicles and depict such spaces in its second-stage application.
 7. The Applicant shall provide a secured area for bicycles within its garage, and depict the area in its second-stage application.
 8. The Applicant shall submit, as part of the second-stage application landscape plans, detailed architectural plans and elevations indicating the design treatment of each building.
 9. The first-stage approval is valid for a period of one year, within which time a second stage application shall be filed.