

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING



2008 DEC 19 PM 4:31

Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: November 25, 2008

SUBJECT: Preliminary Hearing Report on Zoning Commission Case Number 02-51-~~B~~^C
Requesting Second Stage Approval for a Planned Unit Development located at
1616 Rhode Island Avenue NW (Square 182, Lot 82)

APPLICATION

The Center for Strategic and International Studies, Inc. (CSIS), the applicant, is requesting Second Stage approval for the remaining portion of the referenced Planned Unit Development (PUD).

RECOMMENDATION

The Office of Planning (OP) recommends that the Commission set down this application for a public hearing.

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 in Central Business District (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 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 in the former offices of B'nai B'rith International and the National Jewish Museum. These properties and the balance of Square 182 are in a DC/Special Purpose (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.

COMMISSION
District of Columbia

ZONING COMMISSION

District of Columbia

CASE NO. 02-51C

EXHIBIT NO. 12

The current PUD is the result of a number of Zoning Commission actions listed in Exhibit 2. More recently, applicant CSIS purchased the subject property and set about designing preliminary building plans to meet its program requirements in order to file the second Stage PUD application. Condition No. 11 of the Order 02-51-A required filing this application by June 29, 2008, one year after the First Stage approval. A one-year extension of this deadline until June 29, 2009 was requested because the new plans were not completed prior to the deadline.

The Zoning Commission subsequently approved the one-year extension of Order No. 02-51-A on September 8, 2008.

ZONING REVIEW

The overall development site was originally in a SP-2 district. In 1989, this zone district limited the maximum floor area ratio (FAR) to 6.0, the non-residential FAR to 3.5 and lot occupancy percentage of 80%. To allow a proposed mixed-use development that included more than 3.5 FAR of retail, office and commercial uses, the original PUD application requested the change to a C-4 zone district.

Final Order No. 638 approved a PUD related zoning map amendment from SP-2 to C-4, a high-density commercial and mixed-use zone district in 1989. Per §§ 770.4, 771.2, and 772.1 of the Zoning Regulations, respectively, the maximum height allowed is 130 feet because Rhode Island Avenue is over 110 feet wide; the maximum allowable FAR is 8.5 (or 10.0 per § 771.5); and the maximum lot occupancy percentage is 100%.

This modified proposal would construct the proposed 9-story office building to a height of 104 feet with a total floor area of approximately 113,000 square feet, reflecting the following changes from the Stage One approval:

- A 16,000-square foot reduction in total floor area from the approved 129,680 square feet.
- Elimination of the proposed curb cut along Rhode Island Avenue. Access to the below-grade garage and the loading bays would now be provided from the adjacent 12-foot wide and 20-foot wide alleys, respectively.
- Reduction of the loading 30-deep loading births from two to one, reflecting the anticipated needs of the lone tenant of this building, the applicant.
- Reduction of onsite parking from 90 spaces to 78 spaces which is still in excess to the amount of parking.
- A green roof and other environmentally-sensitive elements that are estimated to be equivalent to a Leadership in Engineering and Environmental Design (LEED) rating of Silver.

The following table summarizes proposes changes from the PUD First Stage:

Standard	C-4 PUD Provisions	Approved First Stage	Proposed Second Stage	Flexibility Requested
Minimum Area for PUD §2404.1(c)	15,000 s.f. (15,349 s.f. ¹ on lot 82)	SAME	SAME	No
Floor Area Ratio §2405.2	10.5 (161,164 s.f.)	8.4 (129,680 s.f.)	7.4 113,447 s.f.	No
Lot Occupancy (Overall) §772.1	100%	96%	98.7%	No
Height §770.1	130 feet	104 feet	116 feet²	Yes
Side Yard §772.1	None	None	None	No
Rear Yard §774.1	2.5 inches/vertical ft., not less than 12 feet (27 ft.)	21.6 feet (10 feet)	24.1 feet (10 feet)	Yes
Parking (on-site) §2101.1	1 space/1,800 s.f. >2,000 s.f. (88)	71 spaces (99 spaces)	62 spaces (78 spaces)	No
Loading §2201.1	2-30 ft. deep berths 2-100 ft.² platforms 1-20 ft. delivery space	2-30 ft. deep berths 2-100 ft. ² platforms 1-20 ft. delivery space	1-30 ft. deep berths 2-100 ft. ² platforms 1-20 ft. delivery space	Yes
Court width §776.1	3 in./vertical ft., not less than 12 ft. (35.5 ft.)	17 feet³ (3.5 x 97.7 feet)	17 feet (5 x 97.7 feet)	Yes
Penthouse Height §777.1 per 400.7(c)	18.6 feet	18.6 feet	18.6 feet	No
Penthouse Height §411.5	Uniform	Multiple	Multiple	Yes
Penthouse Setback §400.7 (b)	1:1	Unknown	16.5 feet from southern and western walls (9 and 16 feet)	Yes

Accordingly the applicant is requesting zoning flexibility in order to:

- Incorporate an architectural embellishment above the outdoor terrace on the top floor that reaches a height of 116 feet although the Stage One approval limits the building height to 104 feet;
- Reduce the required loading berths 30-foot deep from two to one; and
- Locate compact garage vehicle spaces so that they are not all clustered into contiguous groupings of at least five spaces as required per §2115.6.

¹ Area of the subject Square 182 Lot 82 which along with Lot 83 form the entire 32,725 square-foot PUD site

² Proposed height of the interior architectural embellishment of 118 feet is 12 feet taller than the approved building height of 104 feet

³ Required minimum width for a 70-foot tall open court on the fourth floor and along the eastern (shared) boundary. The other open court is located along the western boundary with the 10-foot wide alley

OP also determined that this proposal required relief to:

- reduce the required rear yard setback from 24 feet to 10 feet (half the width of the abutting alley);
- accommodate several nonconforming open courts; and
- allow a penthouse that varies in height and does not meet the setback requirement from two exterior walls of the building.

No housing linkage is required for this application because the gross floor area of office uses within the PUD would not exceed the maximum 10.0 FAR allowed as a matter of right under in the C-4 district previously implemented as part of the PUD.

The Dupont Circle Overlay District requires the minimum area of one-half acre for any proposed development is one-half acre in a C-4 zone district, and that all land within the PUD be contiguous. This PUD would continue to be consistent with these requirements with the proposed modifications. Thus, the proposal as presented would be generally allowable in the DC/C-4 zone district.

PUBLIC AMENITIES AND BENEFITS

Regarding evaluation criteria under § 2400 of the Zoning Regulations, the application dated November 14, 2008 lists the primary amenities of the proposal as urban design, architecture, and landscaping; site planning; and effective and safe vehicular and pedestrian access. In addition the following public amenities have been provided in connection with the previous Commission approvals:

- \$150,000 to Ross Elementary School;
- \$10,000 to the Dupont Circle Resource Center;
- a Local Small and Disadvantaged Business Enterprise Agreement; and
- a First Source Employment Agreement;

Additional benefits and amenities committed under the Stage One approval include:

- \$220,000 to construct planned improvements to Snead Park;
- \$25,000 for Scott Circle Park improvements;
- \$25,00 to the Dupont Circle Citizens Association;
- an additional \$20,000 to Ross Elementary School;
- \$10,000 to Francis Junior High School;
- a \$100,000 affordable housing contribution to either the D.C. Housing Production Trust Fund or a non-profit housing organization; and
- environmentally-sensitive elements of the building design and engineering estimated to be equivalent to a Leadership in Engineering and Environmental Design (LEED) rating of Silver.

The proposal also furthers several Comprehensive Plan themes:

- The Generalized Land Use Map designates the subject property as “High Density” commercial, defined as the central employment district of the city and characterized by retail, office and service uses as the predominant uses.

The subject property map is also near the edge of an expanse shown as a Land Use Change Area on the Generalize Policy Map. The Map notes that the District aspires to create high quality environments that include exemplary site and architectural design in these areas that are compatible with and do not negatively impact nearby neighborhoods.

- This proposal supports the following Comprehensive Plan Guiding Principles:
 - Under Managing Growth and Change: ...
 4. *"The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income [217.4]." ...*
 6. *"Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs [217.6]." ...*
 7. *"Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality [217.7]." ...*
 - Under Increasing Access to Education and Employment: ...
 16. *"Increasing access to jobs and education by District residents is fundamental to improving the lives and economic well being of District residents. ... [219.1]" ...*
 17. *"An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems [219.2]." ...*
 21. *"Land development policies should be focused to create job opportunities for District residents. This means that sufficient land should be planned and zoned for new job centers in areas with high unemployment and under-employment. A mix of employment opportunities to meet the needs of residents with varied job skills should be provided [219.6]." ...*
 23. *"Downtown should be strengthened as the region's major employment center, as its cultural center; as a center for government, tourism and international business; and as an exciting urban mixed-use neighborhood. Policies should strive to increase the number of jobs for District residents, enhance retail opportunities, promote access to Downtown from across the District and the region, and restore Downtown's prominence as the heart of the city [219.8]." ...*
 - Under Connecting the City: ...

31. *“The District’s communities are connected by a shared heritage of urban design, reflecting the legacy of the L’Enfant Plan, the McMillan Plan, the Height Act of 1910, and preservation of much of the historic urban fabric. After more than two centuries of building, the nation’s capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities [220.7].”*
- Under Transit Oriented and Corridor Development (Policy LU-1.3):
“Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. ... [306.2]”
 - Under Promoting Green Building (Policy E-3.2):
“‘Green’ building standards are also gaining acceptance as a means of growing more sustainably. The Leadership in Energy and Environmental Design (LEED) rating system, established by the Green Building Council, establishes varying levels of certification for green buildings based on the degree to which they mitigate the pollution created during building construction as well as the long-term effects resulting from building operation. Typical green building strategies include the use of light-colored paving materials to reduce heat build-up, recycled building materials, and energy-conserving windows and insulation methods. Green buildings are also designed to avoid indoor air quality problems, and to encourage pedestrian and bicycle accessibility [614.1].”
 - Under the Office Growth (Policy ED-2.1.1):
“Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington... [707.6].”
 - Under Corporate Headquarters (Policy ED-2.1.2):
“Promote the qualities that favor the District as a headquarters or branch setting for multi-national corporations, including its economic, social, political and locational attributes. Focus in particular on companies that contract with the federal government but are currently headquartered elsewhere. Construct incentive packages to encourage large corporations to locate and maintain their offices in the District. [707.7].”
 - Under Signature Office Buildings (Policy ED-2.1.3):
“Emphasize opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters. ... [707.8].”
 - Under Infill and Renovation (Policy ED-2.1.5):
“Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space [707.10].”

The proposed environmentally-sensitive office building and streetscape improvements further these themes by providing an appropriate infill development in the vicinity of a Metro station that feature a signature office building and streetscape treatment. This proposal also keeps the headquarters of a renowned local institution within the District, thus retaining and possibly increasing the number of employment opportunities within the Central Employment Area of the District.

Based on this information, OP concluded this modified Second Stage PUD proposal does not appear inconsistent with Comprehensive Plan, and supports specific economic development, employment and urban design goals identified in the Plan. Proposed amenities and benefits also appear to exceed the zoning flexibility being requested.

The Office of Planning therefore recommends the project be scheduled for public hearing, noting that the following issues need to be addressed in greater detail:

- Zoning relief: OP will work with the applicant to verify that the above-referenced list of relief required by this proposal is complete.
- Stage One Approval Conditions: In light of the development proposal described above the applicant requests the following changes to:
 - Increase the allowable lot occupancy over the entire PUD site under condition #4 from 96% to 98.7%; and
 - Instead of installing specialized glass in windows on the eastern building façade to protect the privacy of students in the abutting outdoor residential terrace of the University of California building as shown on the approved plans, increase the width of the setback and open court along the shared boundary from 2.6 to 5 feet and erect a privacy screen to a height still to be determined.
- Affordable housing contribution: The applicant is in the process of researching affordable housing providers in order to select a candidate for the referenced \$100,000 donation.
- Other amenities and benefits: Since some projects originally listed for monetary contributions in the Stage One Order have been completed, the applicant would like to indentify other suitable recipients for the promised funding based after consultations with the Advisory Neighborhood Commission.

OP will work with the applicant and other District agencies to confirm that the requested changes are appropriate, to document which public amenities and benefits have been executed and to develop a clear timetable of when documentation of the remaining amenities and benefits should be placed in the public record.

RECOMMENDATION

OP recommends that the Commission set down this application for a public hearing.

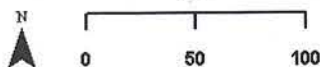
Arthur Jackson, Case Manager

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 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.
- Final (Current) Order No. 02-51-B approved on September 8, 2008 continued the referenced First-Stage approval until June 29, 2009.