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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: JLS for Ellen McCarthy, Acting Director

DATE: August 15, 2005

SUBJECT: Additional Information and Issue Discussion Requested by Zoning Commission Zoning Commission Case No. 04-18 Text Amendment to the Downtown Development District Overlay, and Associated and Map Amendment

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I. INTRODUCTION

The Zoning Commission held a public hearing on this case on June 30, 2005. The Commission asked that the Office of Planning (OP) submit additional information addressing several questions raised by Commissioners or those testifying that evening. This report

- Addresses the issues raised at the hearing,
- Discusses the recommended rezoning of Square 483,
- Attaches the final language OP recommends the Commission adopt for the proposed regulations,
- Attaches hard copies of the PowerPoint presentation and illustrative boards from the public hearing.

This report incorporates by reference the Preliminary Report of the Office of Planning on Case No. 04-18, dated July 2, 2004 – *Revised July 9, 2004*, as well as the report titled "Supplemental Information" dated June 20, 2005.

II. TEXT AMENDMENT

The Commission asked OP to submit additional information in response to ten concerns expressed at the public hearing

[redacted]
District of Columbia
CASE NO. 04-18
EXHIBIT NO. 28

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ZONING COMMISSION
District of Columbia
CASE NO.04-18
EXHIBIT NO.28

Issue 1 – Applicability of Design and Use Requirements to Wax Museum/City Vista in Square 515: The development team to whom the National Capital Revitalization Corporation (NCRC) has awarded the Land Development Agreement (LDA) has requested an exemption from all proposed design and use requirements

The development team states that it has already been subject to design review through the NCRC process – in which OP was involved. It believes that being subject to the Mount Vernon Triangle District (MVT District) design requirements at this date would require more re-design than is possible within the architectural vocabulary it has already employed, and within its September/October 2005 timeframe for the filing of a building permit

The team also believes that its LDA already requires the leasing of ground floor space to the types of retail uses envisioned in the proposed MVT regulations, and that it should not have to comply with additional restrictions

OP Response: *OP proposes exempting the Wax Museum/City Vista project from the proposed design requirements, but not from the proposed use requirements.*

With respect to design, OP and the project team have had continuous dialogue about the project over the last three years. The design preferences of each has influenced the other. The project's referral for proposals (RFP) and the design work for the LDA began before OP started translating the Mount Vernon Action Agenda into specific zoning amendments. The current project design is in keeping with the intentions of the MVT District requirements. Consequently, OP recommends that building(s) on this lot that file for building permits prior to, or within 9 months of, the adoption of the proposed zoning regulations, be exempt from the design requirements of these regulations. A copy of the project's current site plan, building elevations, and a perspective from 5th and K Streets is attached to this report (Attachment 1).

With respect to first floor uses , OP is not aware of any document other than the proposed text amendments that would ensure the first floor of this project is leased to the type of active uses desired for the MVT's Principal Intersection Area (PIA) or Primary Use Area. (See §1732.4 for permitted PIA uses and §1732.2 for permitted uses) OP has examined the full LDA and found no definition of what constitutes a retail use. OP has been given the opportunity to review portions of the developer's lease with its anchor tenant. This lease specifies a number of permitted and restricted uses for the first floor. Its intent is clearly to ensure that the ground floor will be leased to "service-oriented", "walk-in" businesses. However, this lease would permit a broader range of uses than has been advertised for the Primary Use and Principal Intersection Areas in which the Wax Museum/City Vista project would be located. The uses are those that that would be permitted on first floors only in the Secondary Use Area (e g ; doctor's offices and tax preparation services). The provisions of the lease also apply only as long as the lease for the anchor tenant remains in effect.

The Wax Museum/City Vista project is the lynchpin of the MVT plan. The District Department of Transportation's (DDOT) planned streetscape investment in the 5th and K Streets' plaza is predicated on there being exceptionally active uses, such as restaurants, at the intersection and

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very active uses adjacent to the PIA. Two drawings are attached for the preliminary design for this plaza. (See Attachment 2) There was simultaneous and interdependent development of the RFP for the Wax Museum site and the Mount Vernon Action Agenda which these proposed zoning amendments seek to implement

Both the developer and the NCRC were members of the Mount Vernon Triangle District Task Force, have been aware of the types of proposed uses for at least two years. The development team's "Step Two Development Program Submission for Was Museum RFP" dated November 3, 2003 refers to the intersection of 5th and K Streets being a "Signature Plaza" animated by café and retail uses, and to K Street as being "Restaurant Row". (See Attachment 3 --pages III-1 and III-4 of the November 2003 document). More specifically, the drawings included with that submission (See Attachment 3) include the following illustrative uses·

- *For the 5th and K Street Plaza KramerBooks and Afterwards Café, Samuel Adams Brew Pub;*
- *For K Street Retail Sunflower, Rice (a restaurant), Ben's Chili Bowl, Cake Love and Love Café, Java House, Negril Jamaica, Best Cellars, and Tryst (coffee house)*
- *For 5th Street Retail Okyo Beauty, Wild Women Wear Red, Apartment Zero, Fleet Feet, Everhard's Clothing, and Home Rule (home furnishings)*

The particular retailers or food service establishments are merely illustrative, but they are exactly the types of uses that are permitted in the Primary Use Area of the proposed District The development team was very specific, and very appropriate, in its illustrations of what "retail" meant in November 2003

OP would welcome suggestions for specific uses that should be added to either the PIA or the Primary Use area However, OP cannot recommend that the Commission outright exempt this project or site from the proposed use regulations

Issue 2 - Definition of Overlay Area There is concern about the 72-foot Area dimensions specified in OP's June 2005 pre-hearing supplemental information. It was interpreted by some as meaning that certain design and use requirements applied to a depth of 72 feet.

OP Response: *OP agrees that the inclusion of the 72' dimension was confusing and has, therefore, eliminated it. Because different aspects of the proposed Area apply to different portions of Squares, OP believes it would be less confusing to simply define the MVT District as entire Squares This would not change any of the specific provisions. Most notably, minimum ground floor heights would still apply to a depth of only 36' from the building line in the 300-600 blocks of K Streets, the 900 and 1000 blocks of 5th Streets, and the portions of 4th and 6th Streets within 36 feet of the right of way of K Street (The reasons for this 36' dimension are discussed later) Interior and exterior provisions for the PIA would not be affected, either It would add no requirements to block faces that were not previously affected by design or use provisions Including the entire Square within the definition of the Area also accounts for the sections of the proposed amendments that give greater flexibility for alley dedications in conjunction with*

lessened rear and side yard setbacks (§1728), and countable FAR for specific types of parking and loading (§1729)

Issue 3 – Depth of Minimum Ground Floor Height Requirements: There is concern that 36' back from the property line on K Street or 5th Street may be too great a depth to require for a minimum 14-foot clear ceiling.

OP Response: *OP recommends the Commission adopt the 36' requirement that was advertised. The 36 foot figure was agreed upon by the task force working with OP on the crafting of these proposed regulations The Task Force included all major developers working in the Mount Vernon Triangle, as well as an architect currently designing buildings within the Triangle Since the public hearing, OP has consulted with other architects working in the downtown area to confirm the feasibility of the proposed depth. The 36-foot depth is based on typical residential bay depths, but it can also accommodate commercial bay depths The assumption is that underground garage considerations would usually dictate that the structural bay between the perimeter column and the second column extend approximately 16 feet back from the perimeter This encompasses compact parking spaces. The next structural bay would extend back approximately another twenty-two feet to accommodate a 20 foot drive aisle The depth of the first two garage bays would thus be approximately 36' The elevator core would not begin until at least the third structural bay back For office buildings, the bay dimensions would typically be longer on the upper floors than for residential, and no shorter than for residential buildings on the garage levels A 36' depth would also encompass most of the front space of the typical retail depth of 40' to 60' without potentially compromising a project's ability to have double-height spaces nearest the street, but lower heights in the rear of the building This would enable a building to have, for example, a ground floor plus 10 to 12 stories facing the public realm, and a ground floor plus 11 to 13 stories in the rear.*

Issue 4 – Clear Glazing Percentage Within the PIA (§1726): Concern has been expressed that the proposed 75% clear glazing requirement cannot be met without very expensive glazing systems.

OP Response: *OP has examined this further and believes that the requirement should be lowered to 65% within the PIA The 50% requirement in other areas is retained*

Issue 5 – Driveway Restrictions (§§1730 and 1731):

- Property owners in the northeast portion of Square 516 have requested that one new driveway be permitted as a matter of right on the south side of the 400 block of K Street, east of the existing alley entrance. As advertised, §1730.2 would prohibit the construction of new driveways in this area
- Other property owners have expressed concern that the requirement for 60 foot separations may not comply with Department of Transportation (DDOT) requirements

OP Response:

The property owners' portion of property on K Street has an existing driveway According to DDOT, existing driveways remain valid for the existing uses However, new development requires permission for construction of a driveway even if the driveway is in the same location as the existing driveway. Therefore, any new office or residential construction would not be able to avail itself of this driveway as the proposed regulations have been advertised Between the alley and 4th Street, the K Street frontage of Square 516 is approximately 350 feet. As indicated by the first of the seven maps attached to illustrate existing driveway and alley conditions, this is a longer distance between potential entrance points than for any other Square in the Mount Vernon Triangle. (Square 484W has an active driveway for office use, Square 451 has a public alley; the proposed regulations would already permit Square 515 to have a driveway for the Wax Museum/City Vista project, should DDOT approve the application) OP further notes that the property owners had showed OP their land use plans for their holdings in this Square before the proposed text amendments had been advertised Therefore, OP recommends that the advertised language be modified to permit one new driveway, as a matter of right (if approved by DDOT) between the alley and 4th Street

OP has also inserted language to account for possible conflicts with DDOT regarding the separation of driveways

The following table lists the existing driveways and alley entrances within the affected frontages of the MVT District, and shows what would be permitted if the proposed regulations are adopted.

Square	*Blockface*	*Proposed Sections*	*Existing # Driveways & Alley Entrances*	*Likely Future # MOR Driveways & Alley Entrances*
451	*NS 600 K*	*1730 2*	*2 driveways, 1 alley*	*1 alley unless closed*
451	*WS 1000 6th*	*1731*	*2 driveways*	*Up to 2 driveways*
484W	*SS 600 K*		*2 office, driveways, 1 parking lot entrance*	*Possibly 2 existing office driveways*
484W	*WS 900 6th*	*1731*	*2 driveways*	*Up to 2 driveways*
483	*NS 500 K*	*1730 2*	*1 driveway*	*0*
483	*ES 1000 6th*	*1731*	*0*	*Up to 2 driveways*
483	*WS 1000 5th*	*1730.4*	*0*	*Up to 2 driveways*
484	*SS 500 K*	*1730.2*	*1 alley*	*1 alley unless closed*
484	*ES 900 6th*	*1731*	*0*	*Up to 2 driveways*
484	*WS 900 5th*	*1730.4*	*1 alley shown, now one driveway*	*Up to 2 driveways*
515	*NS 400 K*	*1730 3*	*2 driveways, 1 parking lot entrance*	*1 driveway for City Vista, 1 pkg lot entry unless redeveloped*
515	*ES 1000 5th*	*1730.3*	*0*	*1 permitted, 0 likely*
516	*SS 400 K*	*1730 3*	*1 driveway, 1 alley*	*1 driveway, 1 alley*
516	*WS 900 5th*	*1730 3*	*0*	*1 driveway*

Additional driveways would be permitted through Special Exception, as was advertised

Issue 6 – Ownership Patterns, Voluntary Alley Easements, and Relaxation of Rear Yard and Side Yard Setback Requirements (§ 1728): The Commission asked OP to:

- Supply illustrations of the driveways and alley system within the proposed MVT District;
- List ownership of land in relation to the alleys, and;
- Indicate which alleys within the 20 block Mount Vernon Triangle area had been closed recently;

OP Response *Seven maps are attached (Attachment 4) one summary map showing driveways, alleys and parking lots for the MVT District, and individual maps for each of the Squares. The driveway and alley information is also summarized in the table above The individual Square's maps include current parcel ownership data*

Please note that the map for Square 484 does not reflect recent closure of the southern portion of the alley system, nor the converst6ion of the parking lot in the southern half of the Square to condominiums and a hotel fronting on Massachusetts Avenue The ownership data is current.

Recent alley closings within the 20-block MVT are: the above-noted closing in Square 484, and the north-south alley in Square 527, as part of the consolidated development of that Square

Issue 7 – "Trigger Mechanism" for initiating use requirements (§§ 1732.5 – 1732.7):
Concern has been expressed by property owners, developers and Commission members that:

- It will be overly difficult for the Zoning Administrator (ZA) to keep track of when certificates of occupancy have been granted for 3 5 million square feet of new construction within the Mount Vernon Triangle area defined by §1720 3.
- It will be difficult to lease interim-use space for a date uncertain period (i.e starting from the effective date of the regulations, 5 years after the ZA has certified that 3.5 million SF of new construction has been granted C of O's within the MVT).
- There are no standards for determining the "good faith" leasing efforts standard for 5-year special exceptions.

OP Response:

OP suggested the trigger mechanism to respond to property owners' and developer's requests to let momentum build before requiring the most restrictive preferred uses If those groups now prefer to have a date certain for those use requirements, OP would have no problem if the Commission eliminated the interim uses provision or required a date certain for permanent uses.

The trigger mechanism is intended to make it easier to lease space, not more difficult 3 5 million square feet is approximately 50% of the estimated matter of right square footage that could be built within the 20-block Mount Vernon Triangle Area (not just the 6-Square-MVT District) Given existing building permit applications, and the 18-24 months that is typical between the issuance of a building permit and the issuance of a certificate of occupancy (C of O), it will be at least three years before even one million square feet of new construction will be issued within the 20-block MVT Area. It is probably fair to say that it will be at least five years before 3 5 million square feet of new construction will receive certificates of occupancy. The permanent use requirement becomes effective five years after the date the 3 5 million square feet has received C of O's Therefore, it is likely to be at least ten years from the effective date of the proposed regulations that permanent uses would be required At that point, it would be possible to go before the BZA for one 5-year extension of an interim use. Depending on BZA action, we are, therefore, looking at between approximately 10 years and 15 years from the likely effective date of these regulations – i.e., about 2015 - 2020 –before any interim use would be required to be converted to a permanent use OP believes this provides adequate notice to property owners and potential lessees.

The proposed regulations require OP to provide review of building permit applications within the MVT District to the Zoning Administrator (ZA). OP is confident that between its office and the ZA's office it will be possible to determine when 3 5 million square feet of new construction has been issued certificates of occupancy within the MVT At that point OP can work with the ZA to send a notice to property owners within the six Squares of the MVT District listing the types of ground floor uses that must occupy 50% of the GFA of their ground floors within five years of that date OP agrees, however, that the enforcement of that requirement five years from that date will be somewhat difficult

OP continues to recommend the originally proposed language It was developed in conjunction with a Task Force of property owners, developers, and retail experts It is intended to allow momentum to build within the MVT before requiring more specific uses.

However, if the Commission, property owners and developers wish to promote greater certainty and simplicity, OP would encourage the Commission to make the use regulations in all of Section 1732 1 apply upon an easily determined date -- either.

- *The effective date of the proposed zoning text amendments,*
- *A specified time period from the effective date of the proposed zoning text amendments (e g., two years ,three years, five years)*

Issue 8 - Need for Revisions or Expansion of Uses in PIA (§1732.3), Primary Area (§1732.2) and Secondary Area Uses (§§1732.2 and 1732.3): Concern has been expressed that permitted uses

- Are too restrictive in the Principal Intersection Area/Special Entertainment Use Area;
- Would restrict National Public Radio's (NPR) operations in Square 484 W if NPR were to undertake a substantial renovation or expansion;
- Are inconsistent with respect to permanent uses in the Secondary Use Area (§1732.3), and should include general office uses, as was permitted for the SP zones by the Commission in its 1998 rulemaking.

OP Response

- *OP suggests expanding the PIA's permitted uses by permitting all Primary Area uses to be permitted in the PIA, provided they devote 50% of their GFA to on-service food or drinking establishments*
- *After discussions with OP, NPR has agreed that permitting radio and television broadcasting studios in the Primary Use Area would permit NPR to substantially renovate its existing building and expand to the rest of Square 484W, should NPR decide to remain in the District Such uses had already been advertised as being permitted in the Primary Use Area*
- *OP agrees that the distinctions among office-type uses is unnecessary and should be subsumed by the term "general office uses " However, OP notes that when the Commission amended the SP regulations in 1998, it permitted general office uses only as a replacement for existing professional office uses that had been approved by the BZA or the Zoning Commission or authorized by a valid certificate of occupancy prior to January, 1999 The ground floor of buildings within the SP zones was not occupied entirely by professional offices prior to 1999. There was a mix of residential and professional office uses. The proposed MVT District regulations, as already advertised, would require that 50% of the ground floor area (GFA) be occupied by preferred uses (§1733 2) in order to promote the lively streetscape that is an objective of both the Mount Vernon Triangle Action Agenda and the proposed MVT District amendments.*

The proposed regulations would also allow financial institutions to occupy no more than 30% of the ground floor GFA of the preferred use area, in order to restrict the physical extent of such uses These financial uses are considered to be less activating of the streetscape than other retail uses, but able to afford higher-rents and therefore more likely to be able to dominate a streetscape OP believes that this same situation applies to general office uses. OP therefore proposes that general office and financial institutional uses be permitted on the ground floor of the Secondary Use area, and limited to a cumulative total of 30% of the required preferred use area All uses previously advertised as being permitted in the Secondary Use Area would continue to be able to occupy at least 50% of the ground floor's GFA Sections 1732 and 1733 are revised accordingly.

Issue 9 – Historic Preservation: The DC Historic Preservation League has nominated several buildings in the MVT as a non-contiguous historic preservation district Several buildings in the PIA and other buildings on K or 5th Streets are being considered for inclusion. Because design decisions of the Historic Preservation Review Board (HPRB) sometimes supersede building form language in the Zoning Regulations, the height and glazing requirements for the PIA or other areas may be moot if existing buildings become part of an historic district

OP Response: *OP has revised the proposed regulations to exempt from glazing and from both interior and exterior height restrictions, any building (but not future additions) that existed on the effective date of these regulations and that received historic designation or was included as a contributing structure to an historic district*

Issue 10 – The Complexity of the PIA's Definition and Physical Design Requirements (§§ 1723 – 1727): The interior and exterior height restrictions are said to be difficult to understand.

OP Response:
Since the public hearing, OP has consulted with several design professionals and zoning planners about the way the PIA design provisions are written. The consensus has been that the regulations appear complex on first reading, but become easily understood on second reading, when the words are related to the diagram that is included in the proposed regulations. Should the Commission adopt the proposed amendments, the Office of Planning would go through the design elements and overlay with DCRA staff and coordinate the review process

References have been consolidated into § 1723 1 for the exclusion of the portions of Square 515, and to any existing buildings that may be historically designated or included in future historic from the physical requirements of the PIA

Terminology has been simplified by giving the Principal Intersection Area (PIA) and the Special Entertainment Use Area the uniform designation of PIA, since their boundaries are the same

II. MAP AMENDMENT

The following table compares development potential for Square 483 with its current C-3-C zoning, with the OP-recommended DD/C-3-C zoning, and with the alternatively advertised DD/C-2-C zoning.

Square 483 (56,338 SF Lot Area)						
Zoning	**Current C-3-C**	**-TDRs, CLD's -Other Bonuses & Requirements**	**Proposed DD/C-3-C**	**-TDRs, CLD's -Other Bonuses & Requirements**	**Alternative DD/C-2-C**	**-TDRs, CLD's -Other Bonuses & Requirements**
Height	90' (8-9 floors)	--	130' (12 – 13 floors)	--	130' (12 – 13 floors)	--
FAR Commercial Max	6 5	--	6 0	- +0 5 FAR purchasable TDRs	3 5	- +0.5 FAR purchasable TDRs
FAR Residential Minimum	None	--	3 5	-3 5 FAR on site, or CLD-transferable - 1 05 of 3 5 FAR may be satisfied thru off-site affordable	4 5	-3 5 FAR on site, or CLD-transferable - 1 05 of 3 5 FAR may be satisfied thru off-site affordable
FAR Total	6 5	--	-9 5 commercial, mixed (+0 5 TDR) -No maximum FAR for residential	- May accept 6 0 Res FAR thru CLD	-8 0 commercial, mixed (+0.5 TDR) -No maximum FAR for residential	- May accept 6 0 Res FAR thru CLD
Lot Occupancy	100%	--	100%	--	80%	--
Square Footages Comml Max	366,204	--	338,034 (-28,170 sf)	28,169 sf purchasable TDRs,	197,181 (-28,170 sf)	purchasable TDRs
Square Footages Residential Minimum	None	--	197,187 (plus 197,187 sf)	All CLD transferable 76,056 sf transferable w/out CLD, if affordable	253,521 (plus 197,187 sf)	All CLD transferable sf transferable w/out CLD, if affordable

The Comprehensive Plan Amendments Act of 1994 specifically amended the generalized land use map to remove the mixed-use designation on Square 483 and re-designate it as appropriate for high-density commercial use At the same time, the Comprehensive Plan's text was amended to support the Ward 2 Residential Land Use Objectives with the following Action: "Develop a major new residential community in the Mount Vernon Square North Area (north of Massachusetts Avenue, N W.) with commercial buildings on sites designated for high-density

commercial on the Generalized Land Use Map" [1] In Case No. 94-19, the current applicant successfully petitioned the Zoning Commission to remove the Square from the DD and rezone it to C-3-C. This was done by Order Number 798, which became final on March 22, 1996. This rezoning was supported by the Office of Planning, with qualifications. Absent the DD overlay, Square 483 is the only Square between 4th Street and 7th Street, north of H Street and south of Q Street that is not designated for at least partial residential usage.

This Square is within the Central Employment Area (CEA), is not within an historic district and contains no historic structures.

The Squares southeast of Square 483 (i e., south of K Street, west of 6th Street, and north of H Street) are zoned DD/C-3-C

The Square is within Housing Priority Area A, and is north of Massachusetts Avenue. It may, therefore, generate 1 square foot of bonus density or TDRs for each 1 square foot of housing developed.

Sites in the Housing Priority Area A portion of the DD/C-2-C and DD/C-3-C zones are subject to several special provisions of the Zoning Regulations:

- Certain preferred uses are required in 50% of the ground floor's gfa (§1702.2),
- The maximum FAR may be increased by up to 0 5 FAR through the purchase of TDRs (§1706 7(a)),
- In the DD/C-2-C zone, of the 8.0 FAR matter-of right-maximum, there is a minimum 4.5 FAR residential requirement[2];
- In the DD/C-3-C zone, of the 9 5 FAR matter-of-right maximum, there is a minimum 3.5 FAR residential requirement[3];
- Uses, other than required ground floor preferred uses, may be transferred within the Housing Priority Subarea A through Combined Lot Development (CLD),
- Residential recreation space requirements are reduced to 5% for buildings that are all-residential, other than their ground floor preferred uses.

The net effect of the requested zone changes would be:

1 Square 483 would acquire a residential requirement[4] ;
2. Square 483's height limit would be increased from 90' to 130',
3. The Square could be more intensely developed, albeit with a different use mix,

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[1] 10DCMR§1327 1(c)(3)

[2] Up to 1.35 FAR may be transferred off-site through a Combined Lot Development (CLD) and an equal amount of commercial FAR may be constructed on-site if the housing so-transferred is developed as affordable housing (§1706 4)

[3] Up to 1 05 FAR may be transferred off site through a CLD and an equal amount of commercial FAR may be constructed on-site if the housing so-transferred and developed is affordable housing (§1706.5).

[4] Some of this requirement can be "off-loaded" through CLD by assisting the construction of affordable housing

The Map designates Square 483 as suitable for High-Density Commercial uses. Adding the DD overlay would not change that designation In OP's view, the proposed rezoning would not be inconsistent with the Comprehensive Plan, particularly the following elements

205 ECONOMIC DEVELOPMENT IN DOWNTOWN AND THE CENTRAL EMPLOYMENT AREA

205 1 The economic development in Downtown and the Central Employment Area objectives are to stimulate renewed economic vitality and job generation Downtown and to encourage additional development, economic diversification, and job generation in portions of the Central Employment Area outside Downtown

205 2 The policies established in support of the economic development in Downtown and the Central Employment Area objectives are as follows

(f) Encourage and assist development and employment growth in other parts of the Central Employment Area, with special emphasis on achieving the mix of land uses, residential and commercial, that promotes increased economic activity in the evenings and weekends as well as during the work day,

The emphasis on the CEA and the encouragement of mixed uses is particularly important Square 483 is within the CEA,

1104 POLICIES IN SUPPORT OF THE RESIDENTIAL NEIGHBORHOOD OBJECTIVES

1104 1 The policies established in support of the residential neighborhoods objectives are as follows

(G) Encourage the retention and expansion of residential uses in mixed use neighborhoods to help maintain the residential character of these areas, through modification of land use and related regulations when necessary,

Including Square 483 in the DD will increase the requirement for the development of housing, even if it is off-loaded within the DD, more than the proposed zoning change from DD/C-2-C to DD/C-3-C will decrease the minimum housing requirement for Square 515N

1106 COMMERCIAL LAND USE CATEGORIES

1106 5 The high density commercial land use category includes a mix of employment, retail, office, cultural, and entertainment centers which serves as the business and retail heart of the District and the metropolitan area

Applying the DD overlay to the high-density-zoned C-3-C Square 483 increases the mix of uses Including Square 483 in the DD will increase the requirement for the development of housing, even if it is off-loaded within the DD.

While most of the surrounding Squares are in the DD/C-2-C zone, Square 483 is on New York Avenue - one of the major L'Enfant Streets- and is a major gateway to the City The increased height and overall density do not seem inappropriate for this location, and the underlying C-3-C zone already exists on the Square

The revised recommended text and map amendments follow

IV. RECOMMENDED MAP AND TEXT AMENDMENTS

(With additions since advertising underlined, and with deletions since advertising ~~struck through~~).

A. MAP AMENDMENT

The Zoning Map of the District of Columbia, as incorporated by reference in 11 DCMR § 106, is amended by rezoning Square 483 from C-3-C to DD/C-3-C. ~~or, in the alternative, from C-3-C to DD/C-2-C.~~

B. TEXT AMENDMENT

Title 11 DCMR (Zoning) is proposed to be amended as follows:

1720 MOUNT VERNON TRIANGLE DISTRICT: OBJECTIVES AND BOUNDARIES (DD/MVT)

1720.1 The principal objectives for the Mount Vernon Triangle District (MVT District) are to:

(a) Promote the development of ground floor level street frontages that will be active and pedestrian-friendly, particularly along the sections of K and 5th Streets, Northwest that are within the MVT District boundaries, as defined in §1720.2;

(b) Promote a lively, mixed-use and high density Mount Vernon Triangle neighborhood with neighborhood amenities and retail development that serves the MVT as well as nearby neighborhoods, the Convention Center, and the downtown.

1720.2 The provisions of the MVT District, as stated in §§ 1720 through 1733, apply to ~~an area comprising those portions of~~ Squares 451, 483, 484, 484W, 515 and 516 ~~that are within seventy-two feet (72 feet) of the rights of way on each side of K Street or 5th Street, Northwest, as shown on Attachment 1 to the Office of Planning Report dated July 9, 2004~~.

1720.3 Any reference in the provisions of the MVT District to the Mount Vernon Triangle Area shall mean the area comprising squares 451, 483, 484, 484W, 515, 515N, 516, 516S, 525, 526, 527, 528, 556, 558, 560, 561, 562, 563, and 563S.

1720 4 All street locations in the MVT District are in Northwest Washington and therefore all future reference to these streets will omit the identification of the Northwest quadrant.

1720.5 All provisions of this Chapter shall apply unless otherwise noted.

1720.6 Except when used in §§ 1725 and 1726, the term "building" shall mean a building located within the MVT District that became subject to the provisions of the DD Overlay after [the effective date of this section] pursuant to § 1700.5.

1721 OFFICE OF PLANNING REVIEW (DD/MVT)

1721 1 An applicant for a building permit or a certificate of occupancy within the MVT District shall provide a copy of the application, including reference to the applicable provisions of the DD Overlay and/or MVT District, to the Director of the D.C. Office of Planning at the time of filing with the Department of Consumer and Regulatory Affairs

1721 2 The Director of the Office of Planning shall, within sixty days of receipt of the application, provide the Zoning Administrator with a written evaluation of the project's compliance with the provisions of the MVT District. The Zoning Administrator shall take no action on the application for seventy-five (75) days from the date of filing, or for fifteen (15) days after receipt of the Office of Planning report, whichever time period is less.

1722 STREETWALL DESIGN REQUIREMENTS (DD/MVT)

1722 1 Except for a building located in the Principal Intersection Area, as described in § 1723.1, a building located in Square 515 Lot 158 for which a building permit has been received within 9 months after [the effective date of this section], or any portions of a building that existed on the effective date of these regulations that is subsequently designated a historic landmark or is included within a historic district, this section together with § 1701.3, shall apply to each building with frontage on:

(a) K Street in Squares 451, 483, 484, 484W, 515 or 516;

(b) 5th Street in Squares 483, 484, 515 or 516;

(c) 6th Street in Squares 484 or 484W if that frontage is within thirty-six feet (36 ft.) of the right-of way of K Street; and

(d) 4th Street in Square 515 or 516 if that frontage is within thirty-six feet (36 ft.) of the right-of way of K Street.

1722.2 Each building on a lot that fronts on a pedestrian street, except for the, shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows with clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building

1722 3 Each building on a lot that fronts on a pedestrian street shall devote not less than percent (50%) of the surface area of the streetwall between twelve feet (12 feet) and fourteen feet (14 feet) above grade to clear or clear/low-emissivity glass.

1722.4 Each building shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building; excluding vehicular entrances, but including entrance to ground floor uses and any main lobby.

1722.5 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) for a distance of at least thirty-six feet (36 ft.) perpendicular to the ground floor's front building line.

1723 PRINCIPAL INTERSECTION AREA (PIA): LOCATIONS INCLUDED (DD/MVT)

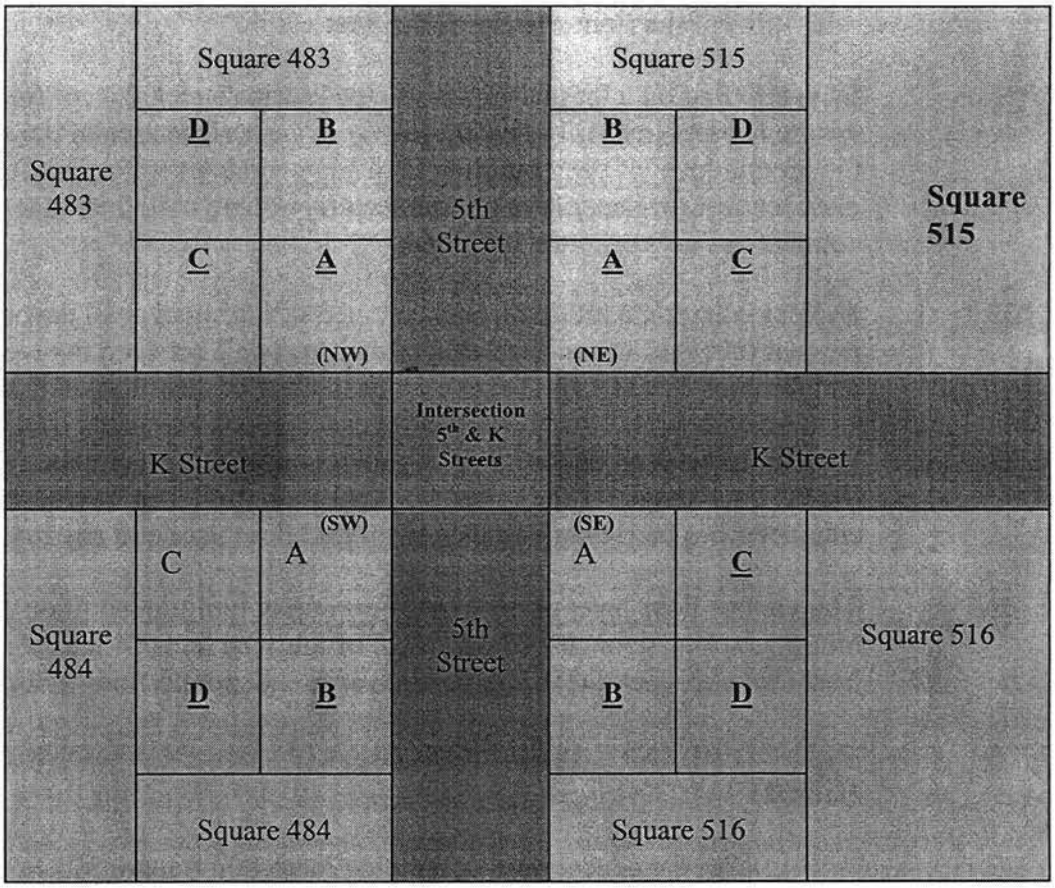
1723.1 With the exception of a building located in Square 515 Lot 158 for which a building permit has been received within 9 months after [the effective date of this section], or any portion of a building that existed on the effective date of this section] that is subsequently designated a historic landmark or is included within a historic district, the provisions of §§ 1723 through 1727 shall apply to those portions of buildings in Squares 483, 484, 515 or 516 that:

(a) Front on K Street or 5th Street; and

(b) Fall within any of four (4) seventy-two foot square (72 foot by 72 foot) areas as measured from the point of tangency of the rights of way lines of K Street and 5th Street in the relevant quadrant described by the intersection of these streets.

1723.2 The area described in 1723.1 shall hereafter be referred to as the Principal Intersection Area (PIA).

1723.3 As illustrated in the following table, each of the four corners within the PIA has four (4) thirty-six foot by thirty-six foot (36 foot by 36 foot) modules.



1723.4 In the table, "K Street" defines the east and west directions; "5th Street" defines the north and south directions. The northwest corner is Square 483; the northeast corner is Square 515; the southwest corner is Square 484; the southeast corner is Square 516.

1723.5 At each corner there are four modules labeled A, B, C and D. Each block in the chart labeled A, B, C, or D represents a 36-foot by 36-foot area within the respective 72-foot by 72-foot PIA corner.

1723.6 The "A" modules are the thirty-six foot by thirty-six foot squares nearest to the intersections. The "B" modules are the thirty-six by thirty-six foot squares fronting on 5th Street, that are between thirty-six and seventy two feet north and south of K Street. The "C" modules are the thirty-six foot by thirty-six foot squares fronting on K Street that are between thirty-six and seventy two feet east and east and west of 5th Street. The "D" modules are the thirty-six foot by thirty-six foot interior squares that have frontage on neither K Street nor 5th Street.

1724 **PIA: MAXIMUM BUILDING HEIGHT (DD/MVT)**

1724.1 Except for buildings in Square 515, the portion of a building in an "A" module shall be no higher than fifty feet (50 feet) above grade

1724.2 No more than fifty percent (50%) of the portions of a building in each of the "B" and "C" modules shall be more than fifty feet (50 feet) above grade

1725 **PIA: MINIMUM GROUND FLOOR HEIGHT (DD/MVT)**

1725.1 ~~With the exception of buildings in Square 516 that existed as of [the effective date of this section], and~~ The following minimum ground floor height requirements apply to each building located within the PIA:

Module height	Minimum clear floor-to-ceiling
A	22 Feet
B & C ground floor	22 Feet for at least 50% of its
D	14 Feet

1726 **PIA: STREETWALL DESIGN (DD/MVT)**

1726.1 Each building shall devote not less than ~~seventy-five percent (75%)~~ sixty-five percent (65%)of the surface area of the streetwall(s) at the ground level, to a height of at least twenty-two feet (22 feet), to display windows with clear/low-emissivity glass, except for decorative or architectural accent and entrances to commercial uses or to the building.

1726.2 Each building shall devote not less than ~~seventy-five percent (75%)~~ sixty-five percent (65%) of the surface area of the streetwall between eighteen feet (18 feet) and twenty-two feet (22 feet) above grade to clear/low-emissivity glass.

~~1726.3 The provisions of this section shall not apply to the portions of a buildings in Square 516 that existed on [the effective date of this section].~~

1727 **PIA: MISCELANEOUS PROVISIONS (DD/MVT)**

1727.1 There shall be no direct entrances to lobbies serving residential or office uses.

1727 2 Roof terraces, whether open to the sky or covered with awnings or canopies, that are atop the "A", "B" or "C" portions of a building , as defined in ~~subject to the special height restrictions of~~ § 1724 shall not be included in the maximum floor area ratio calculations as set forth in § 771.2

1728 REDUCTION OF REAR YARDS AND SIDE YARDS OF BUILDINGS ABUTTING ALLEYS (DD/MVT)

1728.1 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a rear yard pursuant to § 774 7, and the land dedicated is adjacent to a public alley and extends the entire length of the lot, the rear yard requirements for the portion of the structure above the horizontal plane described in §774.7(a) shall be reduced by five feet (5 ft) for every ten-foot (10 ft.) depth of land dedicated.

1728.2 For the purposes of § 1728.1, the depth of the land dedicated shall be measured perpendicular to the alignment of the adjacent public alley

1728.3 In the event that the Council of the District of Columbia accepts a dedication for public alley purposes of land within DD/MVT that would have been required to be a side yard pursuant to §§ 775.4 and 775.5, and the dedication is at least eight (8) feet deep, the side yard requirement shall be eliminated for that portion of the structure below a horizontal plane twenty (20) feet above the mean finished grade at the middle of the side of the structure, if the dedication is adjacent to a public alley and extends the entire length of the lot.

1729 GROUND FLOOR PARKING AND LOADING PROVISIONS (DD/MVT)

1729.1 Where a court is provided in accordance with § 776, and the surface of the court begins at or between the first floor and second floor above the ground floor, the gross floor area beneath the surface of the court shall not be included when calculating the floor area ratio of the building, provided.

(a) The area immediately beneath the court provides:

(i) Vehicular access from a public or private alley for the purposes of providing loading berths, loading platforms, or service/delivery loading spaces required by § 2201.1;

(ii) Parking or access to parking required by § 2101 1; or

(iii) Parking permitted by § 1702.7(a) or (b); and

(b) At least sixty five percent (65%) ~~seventy-five percent (75%)~~ of the court's surface is covered by vegetative material that reduces the rate of flow of stormwater run-off or contributes less to ambient heat build-up than a conventional roof, or

(c) In a building that is subject to the recreation space requirements of § 773 or, if applicable, §§ 1706.4(f) or 1706 5(f), the court floor provides outdoor recreation space accessible to the building's tenants or occupants.

1729 2 The recreational space provided in accordance with § 1729.1 (c) shall not count toward the building's required residential recreation space.

1730 DRIVEWAYS ON PREFERRED USE STREET FRONTAGES. (DD/MVT)

1730.1 The provisions of this section govern the construction of driveways that:

(a) Provide access from the adjacent public street to parking spaces or loading berths;
(b) Serve delivery loading spaces on the subject lot; or
(c) Serve parking spaces, loading berths, or service/delivery loading spaces not required by the Zoning Regulations.

1730.2 No driveway may be constructed on the north or south side of K Street between ~~Fourth (4th)~~ 5th Street and 7th Street, ~~or on the north side of K Street between 5th Street and 7th Street.~~

1730.3 There shall be no more than one driveway constructed in the following areas:

(a) The north side of K Street between ~~4th Street and~~ 5th Street;

(b) The south side of K Street between 4th Street and an alley existing on the effective date of these regulations located approximately three hundred fifty feet (350') west of 4th Street;

(c) The east side of 5th Street between I Street and K Street; and

(d) The east side of 5th Street between K Street and L Street.

1730.4 There shall be no more than two driveways constructed in the following areas:

(a) The west side of 5th Street between I Street and K Street; and

(b) The west side of 5th Street between K Street and L Street.

1730.5 Exceptions from the prohibitions and limitations of this section shall be permitted if granted by the Board of Zoning Adjustment under § 3104, provided the applicant demonstrates that

(a) There is no practical alternative means of serving the parking, loading or drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square;

(b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730.2 to 1730.4; and

(c) The proposed driveway is not inconsistent with the DDOT landscape plans for the public rights of way in the Mount Vernon Triangle Area, to the extent that such plans exist at the time of the special exception application.

1731 DRIVEWAYS: OTHER STREET FRONTAGES (DD/MVT)

1731.1 The provisions of this section apply to street frontages in DD/MVT not listed in §1730

1731.2 The provisions of this section apply to driveways that provide access from the adjacent public street to parking spaces or loading berths within a Square, whether or not those spaces or berths are required by the Zoning Regulations.

1731.3 No more than one driveway may be constructed within the length of an individual building, unless the building extends the entire length of the block, in which case § 1731.4 shall apply.

1731.4 No more than two driveways may be constructed per block-face.

1731.5 Each driveway shall be separated by no less than sixty feet (60 feet), unless lesser distances between curb cuts are required by the District Department of Transportation (DDOT).

1731.6 Exceptions from the requirements of this section shall be permitted only if granted by the Board of Zoning Adjustment under § 3104, provided that the applicant demonstrates that:

(a) There is no practical alternative means of serving the parking, loading or

drop-off needs of the building to be served by the proposed driveway, such as signage approved by the District Department of Transportation (DDOT) that would direct vehicles to an alternative entrance point within the same Square,

(b) The driveway will not impede the flow of pedestrian traffic on the street frontages listed in §§ 1730.2 through 1730.4; and

(c) The proposed driveway is not inconsistent with the DDOT landscape plans for the public rights of way in the Mount Vernon Triangle Area, to the extent that such plans exist at the time of the special exception application.

1732 PERMITTED GROUND FLOOR USES (DD/MVT)

1732.1 For the purposes of identifying the location of permitted ground floor uses, the Mount Vernon Triangle District is divided into the three ~~sub~~-Areas:

(a) The Principal Intersection Area ~~Special Entertainment Use Sub-Area comprises the areas of Square 483, 383, 515 and 516 that are included within the Principal Intersection Area~~ defined in § 1723.1.

(b) The Secondary Use ~~Sub~~-Area comprises the areas with frontage along the portions of Square 515 and 516 between the centerpoint of 4th Street and the centerpoint of the public alley in Square 515 existing on [the effective date of this section] that is approximately three hundred sixty feet (360 feet) west of 4th Street.

(c) The Primary Use ~~Sub~~-Area comprises all areas not defined in § 1732.1 (a) or (b) with frontages along K Street in Squares 451, 483, 484, 484W, 515 or Square 516; or with frontages on 5th Street in Squares 483, 484, 515 or 516.

1732.2 The following uses may be established ~~and continued~~ on a permanent basis on the ground floor of any building located in the Primary or Secondary Use ~~Sub-a~~Area and on an interim basis ("interim use") on the ground floor of any building located in the PIA ~~Special Entertainment Use Sub-area~~:

(a) Antique Store;
(b) Artist Live-Work Space or Artist Studio, with Sales;
(c) Apparel and Accessories Store;
(d) Art Center;
(e) Art Gallery;
(f) Art School, including school of dance, photography, filmmaking, music, writing, painting, sculpturing, or printmaking;
(g) Arts Services, including set design and restoration of artworks;

(h) Assembly Hall, Auditorium, Public Hall or Other Performing Arts Space, including rehearsal/pre-production space or concert hall,
(i) Auction House,
(j) Bakery, limited to baking of food sold on premises,
(k) Bicycle Shop,
(l) Barber or Beauty Shop;
(m) Blueprinting, Printing or Copy Service;
(n) Book Store,
(o) Cabaret;
(p) Candy Store,
(q) Clinic;
(r) Computer Store,
(s) Concert Hall or other Performing Arts Space,
(t) Cosmetic Store,
(u) Camera Store;
(v) Craftsman or artisan studio, with sales;
(w) Dance Hall, Discotheque, or Ballroom;
(x) Department Store,
(y) Dinner Theater;
(z) Dressmaking or Tailor Shop;
(aa) Drinking Place, including bar, nightclub or cocktail,
(bb) Drug Store;
(cc) Dry Cleaner;
(dd) Fabric Store,
(ee) Fast Food Restaurant, excluding drive-through;
(ff) Film exchange;
(gg) Florist and Plant Store;
(hh) Furniture Store,
(ii) Gift, Novelty, and Souvenir Shop,
(jj) Grocery Store,
(kk) Hardware Store,
(ll) Health or Exercise Studio;
(mm) Hobby, Toys and Game Shop;
(nn) Home Furnishing Store;
(oo) Home Supply and Decorating Store;
(pp) Jewelry Store;
(qq) Liquor Store (subject to a public hearing),
(rr) Leather Goods and Luggage Store,
(ss) Legitimate Theater;
(tt) Library, Public;
(uu) Lobbies for Apartment, Condominium or Other Residential Uses;
(vv) Movie Theater;
(ww) Museum;
(xx) Musical Instruments and Accessories Sales,
(yy) Newsstand,

(zz) Office Supplies and Equipment Sales;
(aaa) Optical Goods Store;
(bbb) Paint Store;
(ccc) Pet Store,
(ddd) Picture Framing Studio or Shop;
(eee) Printing, Fast Copy Service,
(fff) Radio, Television, and Consumer Electronics Store,
(ggg) Restaurant
(hhh) Secondhand Store or Consignment Shop;
(iii) Shoe Repair and Shoeshine Parlor,
(jjj) Shoe Store,
(kkk) Specialty Food Store;
(lll) Sporting Goods Store,
(mmm) Telegraph Office,
(nnn) Television and Radio Broadcast Studio
(ooo) Theater, including Motion Picture Theater
(ppp) Tobacco Store;
(qqq)Travel Agency, Ticket Office;
(rrr) Variety Store,
(sss) Video Tape Rental; and,
(ttt) Other similar personal/consumer service establishment or retail use including assemblage and repair clearly incidental to the principal use.

1732.3 The following uses may be established and continued on a permanent basis on the ground floor of any building located in the Secondary Use ~~Sub-a~~Areas defined in §1732.1 and on an interim basis ("interim use") on the ground floor of any building located in the Primary or Principal Intersection ~~Special Entertainment Use Sub-a~~Areas:

(a) All uses permitted in §1732.2;
(b) Accountant;
(c) Apartment or Condominium Entered ~~Directly From Street;~~
(d) Architect;
(e) Attorney;
(f) Bail Bondsman;
(g) Bank, Loan Office, or Financial Institution;
(h) Counseling Service;
(i) Consultant - General;
(j) Dentist, Doctor, or Medical Office;
(k) Employment Agency,
(l) Escrow Agent;
(m) Government;
(n) Health Clinic,
(o) Insurance Broker;
(p) Laboratory;

(q) Landscape Architect;
(r) Mortgage Broker,
(s) Public Agency Office,
(t) Real Estate Agent, Appraiser, Broker, Developer;
(u) Social Service Agency Office,
(v) Stockbroker;
(w) Tax Preparer;
(x) Title Company;
(y) Trust Company, and
(z) Utility Company, Offices of

General office uses are also permitted, subject to the restrictions of §1733.2 (a).

1732.4 The following uses may be established and continued on a permanent basis on the ground floor of any building located in any of the ~~sub-areas~~ three Areas defined in §1732.1:

(a) Book Store including restaurant,
(b) Cabaret,
(c) Drinking Place, including bar, nightclub or cocktail lounge, and
(d) Restaurant;
(e) Other uses permitted on a permanent basis in the Principal Intersection Area, provided that within such uses there exists accessory Restaurant or Drinking Place uses, including, but not limited to, bar, nightclub or cocktail uses, that occupy at least fifty percent (50%) of the gross floor area of the permitted principal use(s) and at least 40% of the permitted principal use(s) linear frontage on the public right of way.

1732.5 Unless approved by the Board of Zoning Adjustment pursuant to § 1732.3, no interim use shall be established or continued for more than five years after the date that the Zoning Administrator publishes a notice in the *D.C. Register* indicating that, since [the effective date of this Section], certificates of occupancy for the use of three million five hundred thousand square feet (3.5 million square feet) of new construction have been issued for properties ~~located in~~ the Mount Vernon Triangle Area.

1732.6 In addition to meeting the standards of § 3104, the applicant shall demonstrate that it made good faith efforts for at least nine months (9 months) prior to applying for the special exception to lease space for one of the permanent ground floor uses allowed in the Sub-area in which the applicant's property is located.

1732.7 Approval of the establishment or continuation of an interim use by the Board of Zoning Adjustment shall be for no more than a five (5) year period from the date of the certificate of occupancy issued pursuant to the approval.

1733 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES (DD/MVT)

1733.1 The provisions of this section apply to each building with frontage on K Street in Squares 451, 483, 484, 484W, 515 or 516; and to each building with frontage on 5th Street in Squares 483, 484, 515 or 516.

1733.2 Each building that faces or abuts a street segment identified in § 1732.1 shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to uses listed in §§ 1732.2, 1732.3, or 1732.4 ("preferred uses"), provided

(a) Not more than a cumulative total of thirty percent (30%) of the gross floor area of the ground floor required to be devoted to preferred uses shall be occupied by financial institutions and general office uses, if such financial institutions or general office uses are permitted in that Area, as defined by §1732.1; and

(b) The net leasable area occupied by the preferred uses shall be no less than eighty percent (80%) of the gross floor area allocated to these uses;

(c) Up to one thousand (1,000) square feet of the sidewalk or atrium area of an unenclosed sidewalk café may count towards the preferred use requirement of this section, if the sidewalk café is operated from a restaurant located on the subject lot.

EMC/slc

Attachments

1 Wax Museum/City Vista site plans, ~~elevations and~~ perspective (7 pages)
2. Consultant's Preliminary Drawings for 5th and K Street Plaza (2 pages)
3. Selections from Wax Museum/City Vista November 3, 2003 response to RFP (3 pages)
4. Existing Curbs, Driveways Parking Lots and Adjacent Ownerships (7 pages)
5 June 30, 2005 OP PowerPoint and Illustrative Boards

Attachment 1 – Wax Museum/ City Vista Project

(7 Illustrations)

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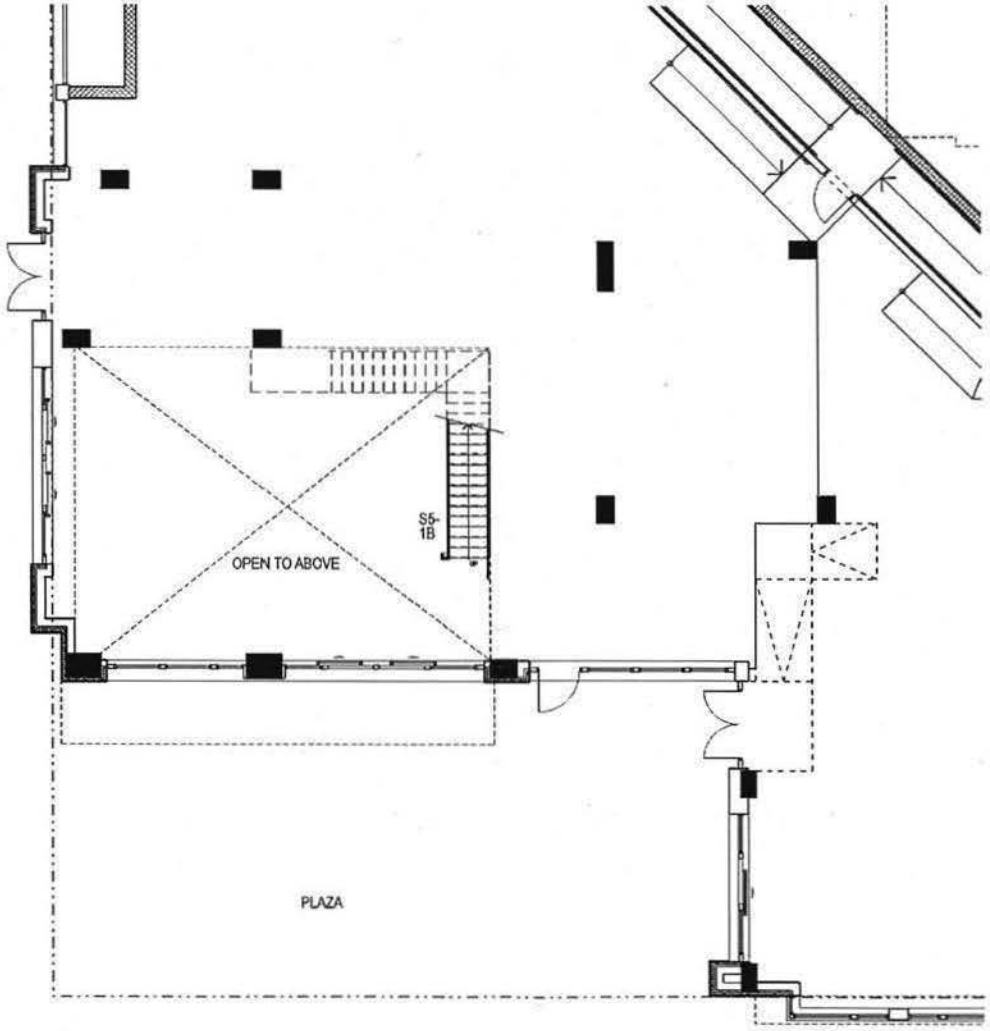
Office of Planning Submission

PERSPECTIVE AT PLAZA

August 12, 2005

L5K, LLC
TORTI GALLAS AND PARTNERS

CITYVISTA



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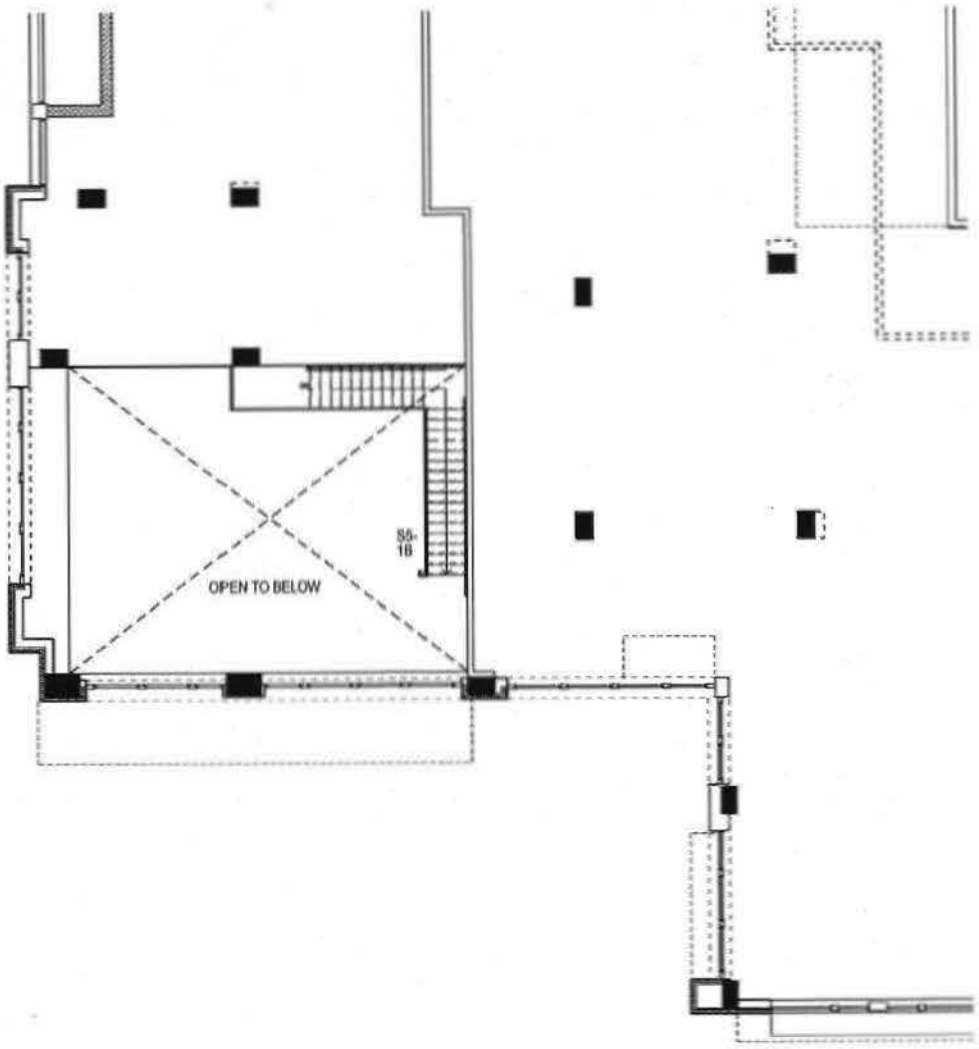
Office of Planning Submission

ENLARGED FIRST FLOOR PLAN AT PLAZA

August 15, 2005

LSK, LLC
TORTI GALLAS AND PARTNERS

CITYVISTA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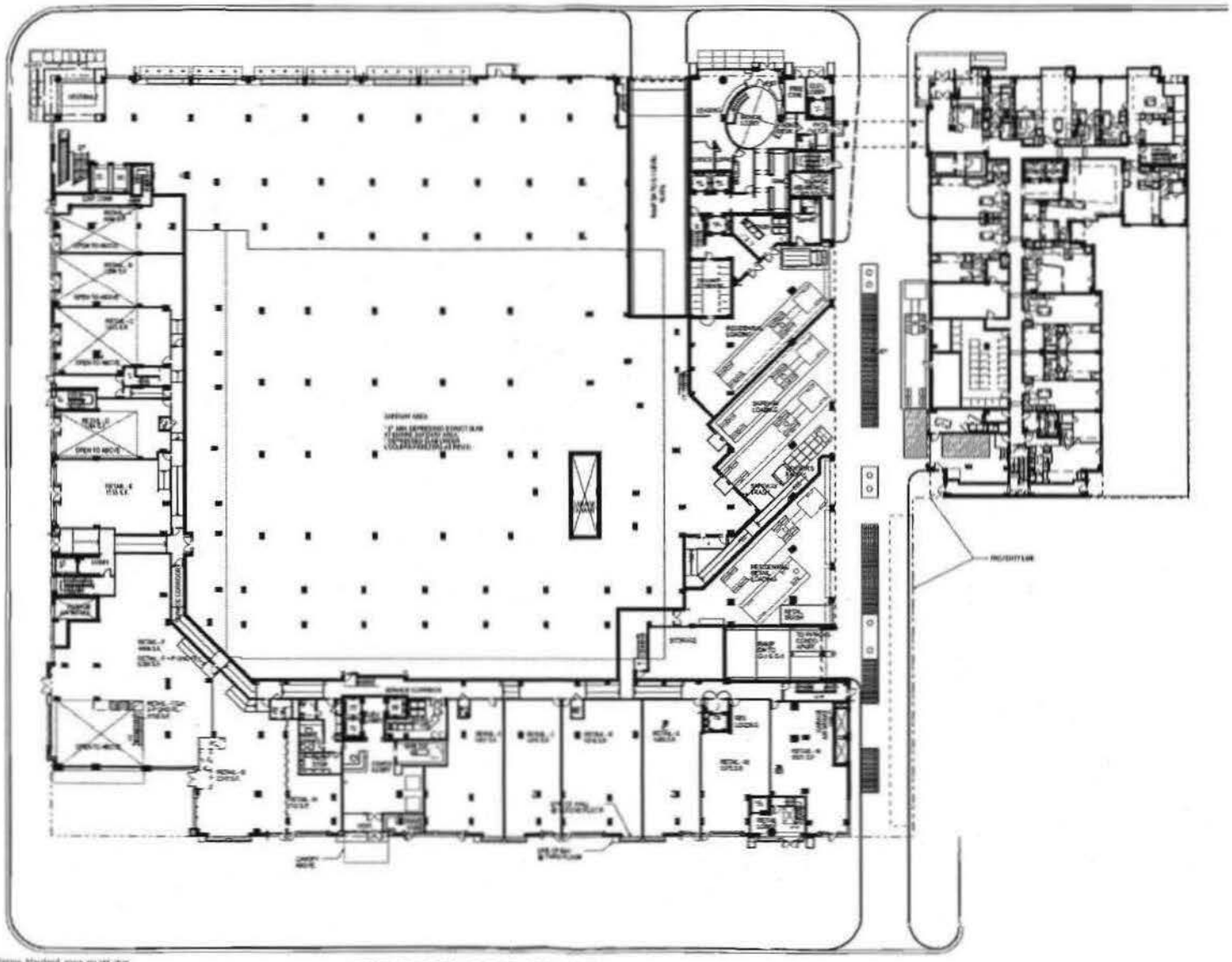
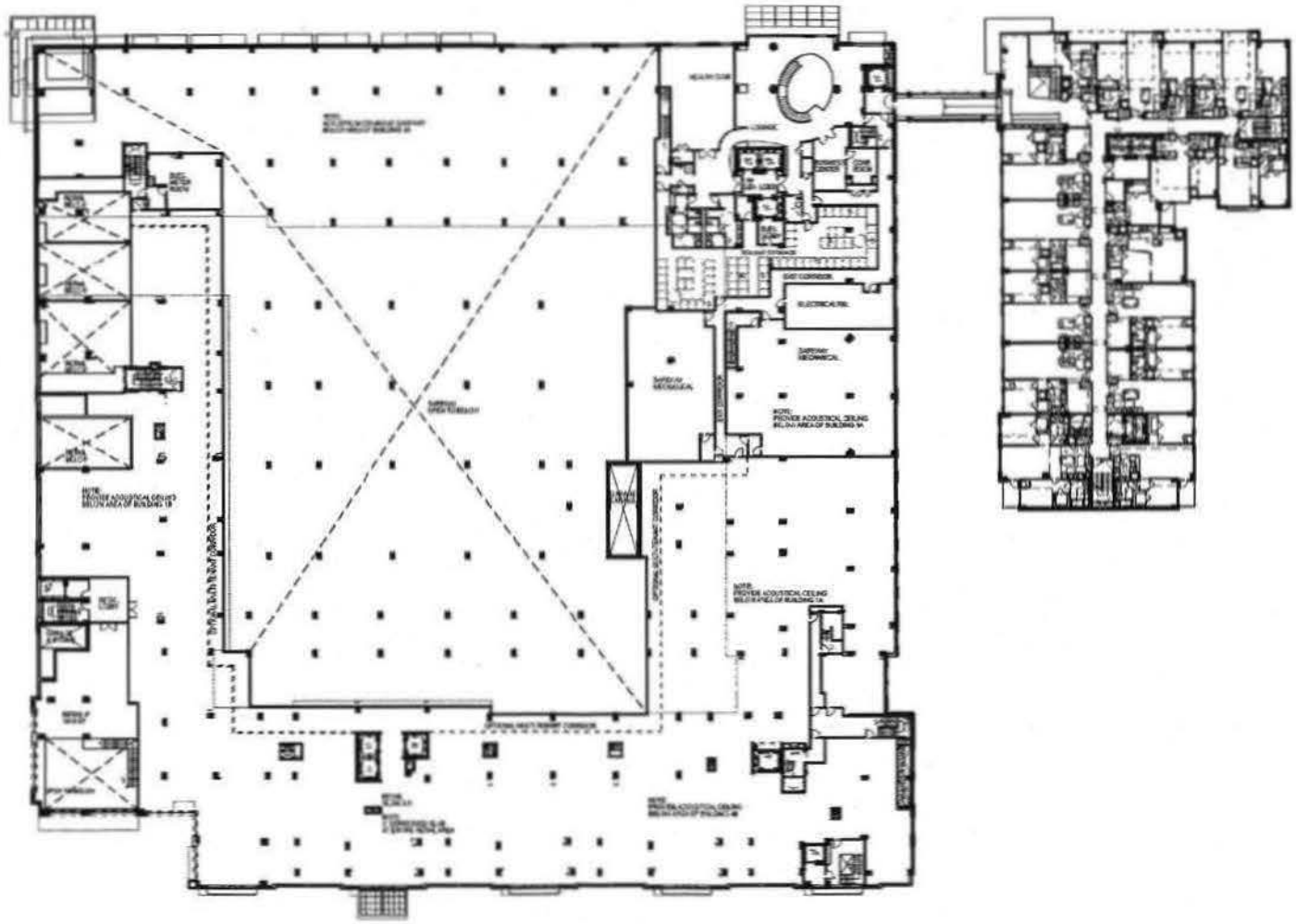




Office of Planning Submission

SECOND FLOOR PLAN

August 12, 2005

L3K, LLC
TORTI GALLAS AND PARTNERS

CITYVISTA

ILLUSTRATIVE
K STREET ELEVATION

K STREET ELEVATION
WITH CALCULATIONS

Office of Planning Submission

August 15, 2005

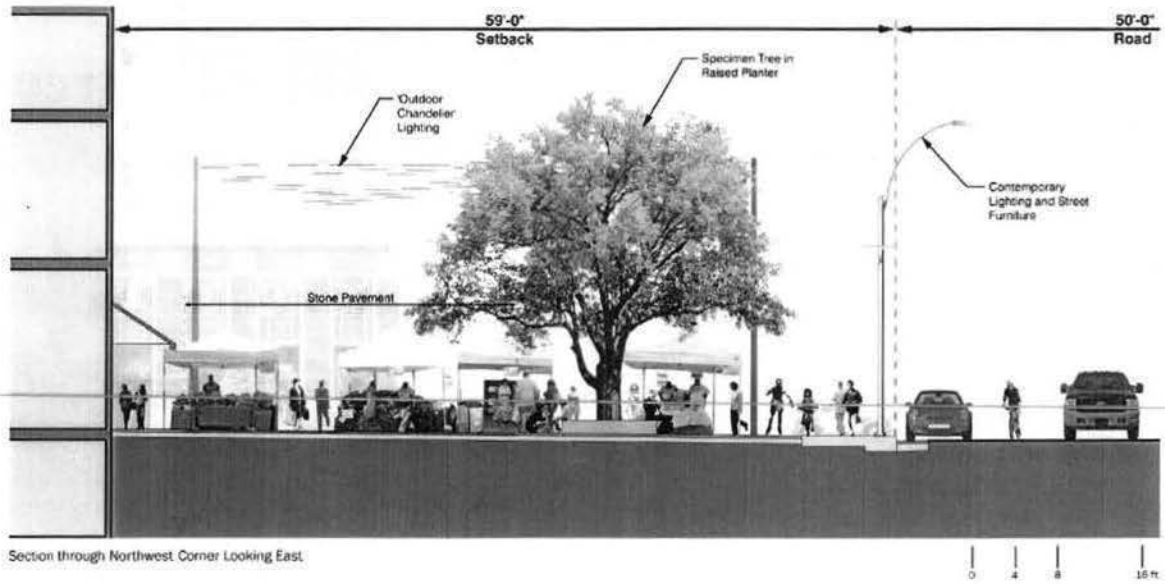
ILLUSTRATIVE
5TH STREET ELEVATION

5TH STREET ELEVATION
WITH CALCULATIONS

Attachment 2 – The Plaza at 5th and K Streets
Preliminary Designs

(2 Illustrations)

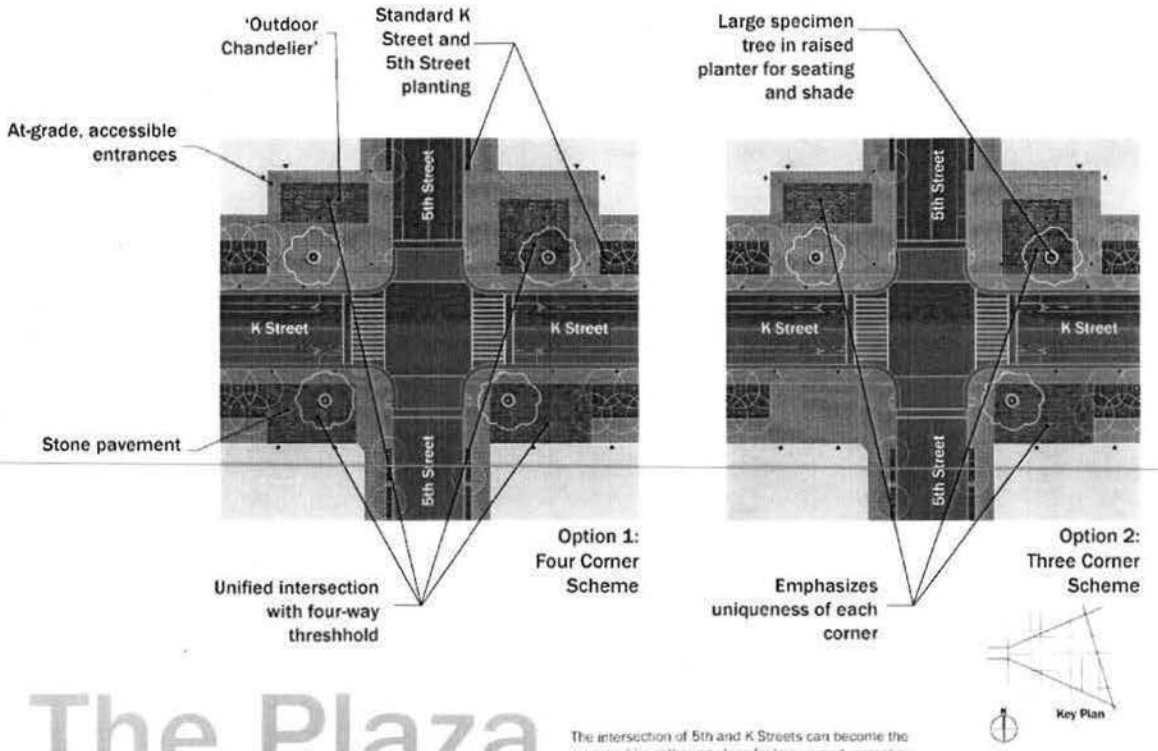
PRELIMINARY RECOMMENDATIONS ONLY



Section through Northwest Corner Looking East

The Plaza

PRELIMINARY RECOMMENDATIONS ONLY



The Plaza

The intersection of 5th and K Streets can become the major public gathering place for leisure and recreation in the intensified zone at the Triangle's western 'point.'

Attachment 3 – Excerpts and Illustrations from Wax/City Vista Developer's Response to NCRC RFP

(2 Sides)

III. DEVELOPMENT PROGRAM

Overview of the Lowe Team Development Program

In partnering with the HLARC, the Lowe Team is committed to delivering a vibrant residential and retail center that is distinguished by its architectural excellence, creative mix of uses and streetscape vitality. The redevelopment of the 5th and K "Wax Museum" site presents a unique opportunity to create a landmark community setting within the North of Massachusetts (NoMa) area—an emerging area that is understandably of considerable focus and importance to the District government in terms of economic development and urban vitality. The significant anchor tenancy by Safeway and the inclusion of an additional 54,274 square feet of other restaurant and retail users, will activate this project in a meaningful way. These dynamic commercial uses on both the street and second levels (as further described herein) will create day and evening energy. A "real" community will evolve as a result of the mix of live, shop and public realm spaces intertwined within this innovative development.

Program of Uses

Project Component	Size / Square Footage	Number of Units
Neighborhood Retail Center	54,274 RSF	
Safeway Full Service Supermarket Store	55,000 RSF	
• **Total Retail**	**109,274 RSF**	**10 – 12 retailers**
Residential Rental Apartments	150,320 RSF	202 units
Residential Condominiums – K Street Tower	233,267RSF	274 units
Residential Condominiums – L Street Tower	125,421 RSF	147 units
• **Total Residential**	**509,008 RSF**	**623 units**
• **Parking**		**861 spaces**
Additional Optional 4th Level of Parking		441 spaces
• **Public Space / Common Area Improvements**		
5th and K Signature Plaza		
K Street – "Restaurant Row"		
L Street – "Market Promenade"		
Courtyard – "Residential Greens"		
Rooftop – "Terrace Overlook"		
Total Project Size Above Grade	**619,492 RSF**	**761,257 GSF**

Square Footage Chart

On the attached pages are Area Tabulations and Zoning Analysis Charts illustrating the project's size.

5TH & K

THE REDEVELOPMENT OF PARCEL ONE "THE WAX MUSEUM" SITE

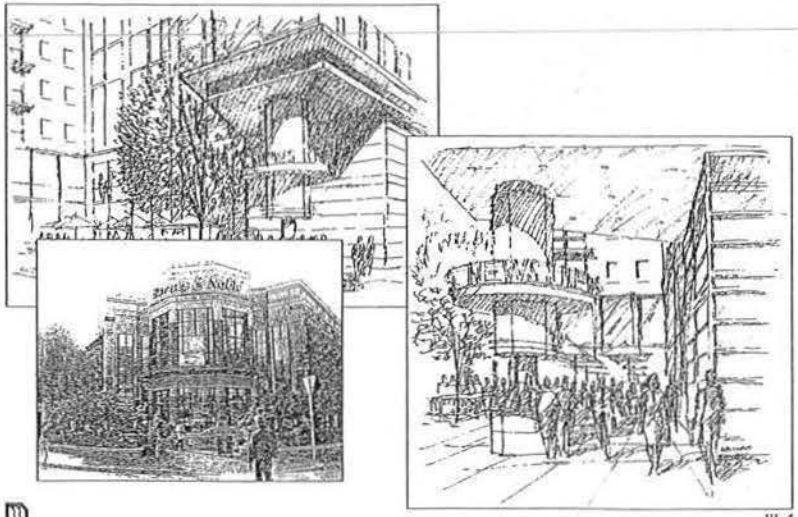
THE LOWE TEAM PROPOSAL

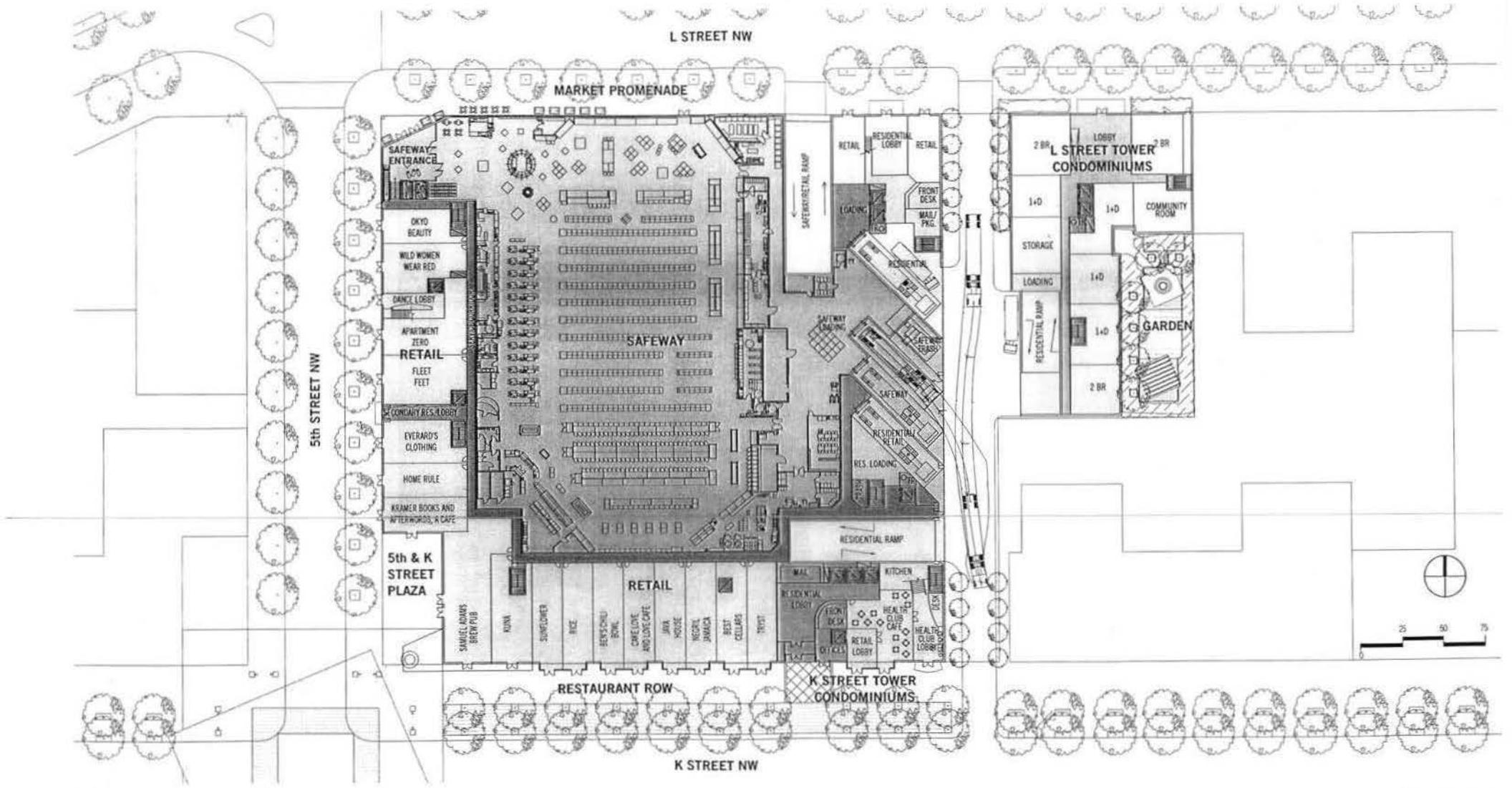
Public Realm Special Spaces

The Lowe Team is dedicated to creating a high quality urban project that produces a rich, vibrant, people friendly experience at multiple areas on the three acre site. With our team of architects, landscape designers and retail leasing experts, we have conceived of six distinct public spaces within the project that will provide for a variety of areas to be actively enjoyed by the local community and residents alike. These special "place-making" opportunities will help knit together the residential, retail, dining and health/fitness components of the project. Sketches and representative photographic images of these six "public realm" spaces are presented in more extensive detail in the accompanying Design Booklet.

5th and K Plaza

The Lowe Team proposes to place the "icon" public plaza at the main corner of 5th and K, consistent with the District's urban planning agenda for the Mount Vernon Triangle area. The building massing has been configured to create a major statement with dramatic angles, tower elements and roof line articulation drawing special attention to this corner. On the street level, a public plaza has been created which features upgraded stone paving, water and landscaping features. The street level public space has been setback to create more usable outdoor plaza area. The plaza will be animated with retail and restaurant/café activity, special pylons and public art features.





Torti Gallas & Partners CHK
Michael Marshall Architecture
Lee & Associates
November 2003 Submission

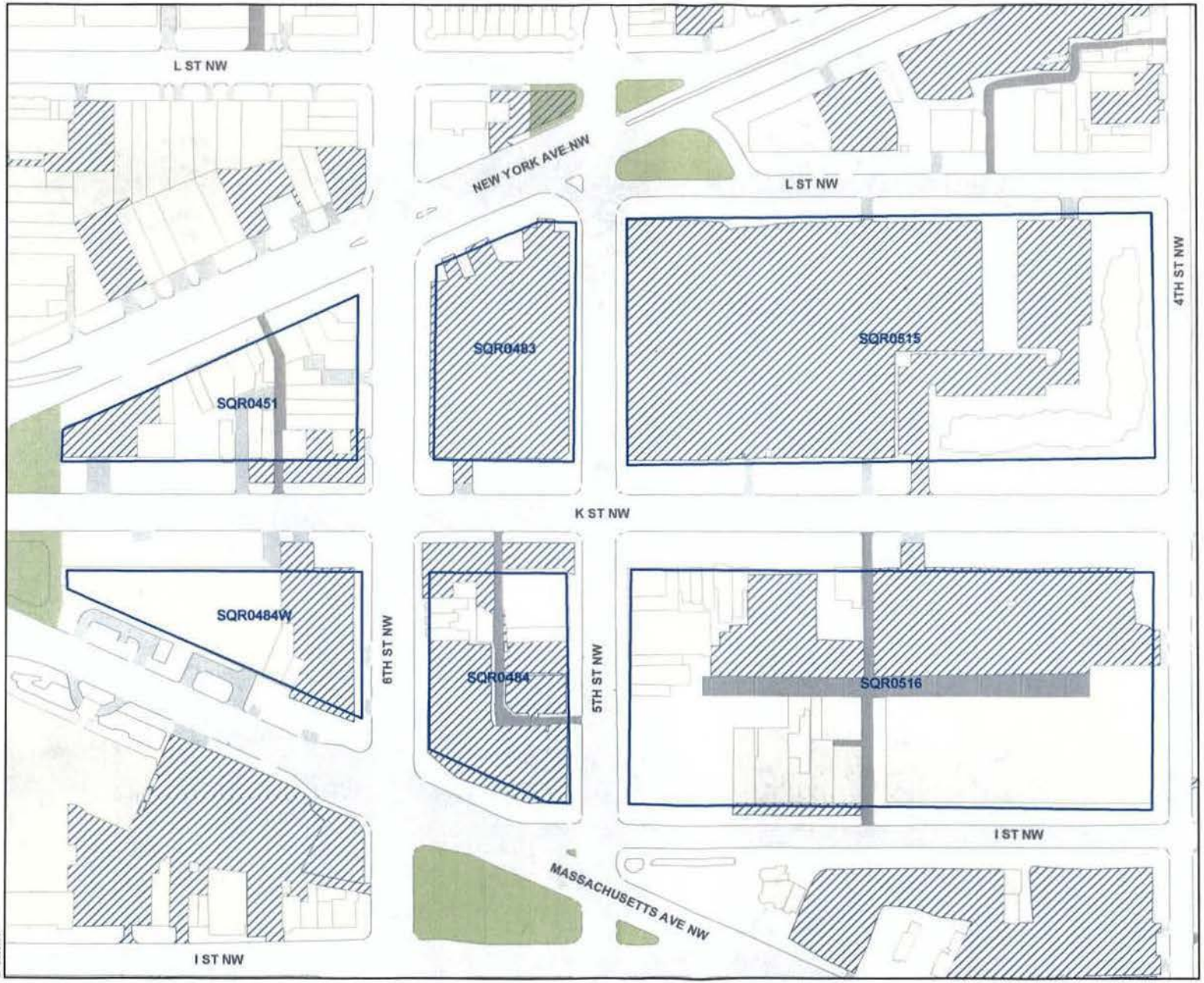
STREET LEVEL PLAN

THE LOWE TEAM PROPOSAL

5TH & K

Attachment 4 – MVT District Existing Driveways, Alleys, Parking Lots and Adjacent Ownership

(7 Sheets)



Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways and Parking Lots

- Property Squares
- Buildings
- Curbs
- Driveways
- Alleys
- Parking Lots
- Roads
- Water
- Parks

N

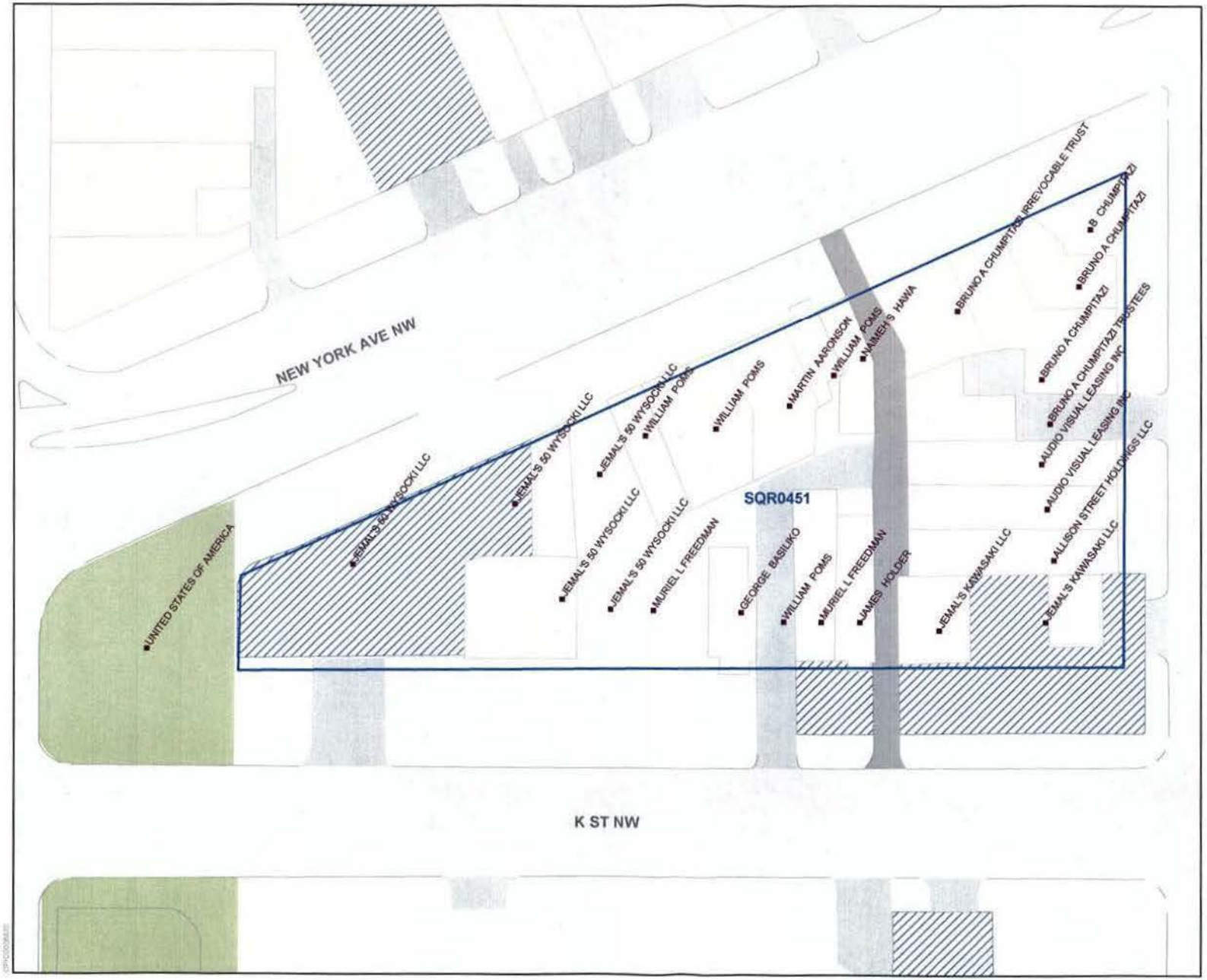
Feet

0 100 200

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

Office of Planning – August 10, 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.



Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 451

- Property Squares
- Ownership
- Buildings
- Curbs
- Driveways
- Alleys
- Roads
- Water
- Parking Lots
- Parks

Feet

N 0 20 40 60

★ ★ ★ Government of the District of Columbia
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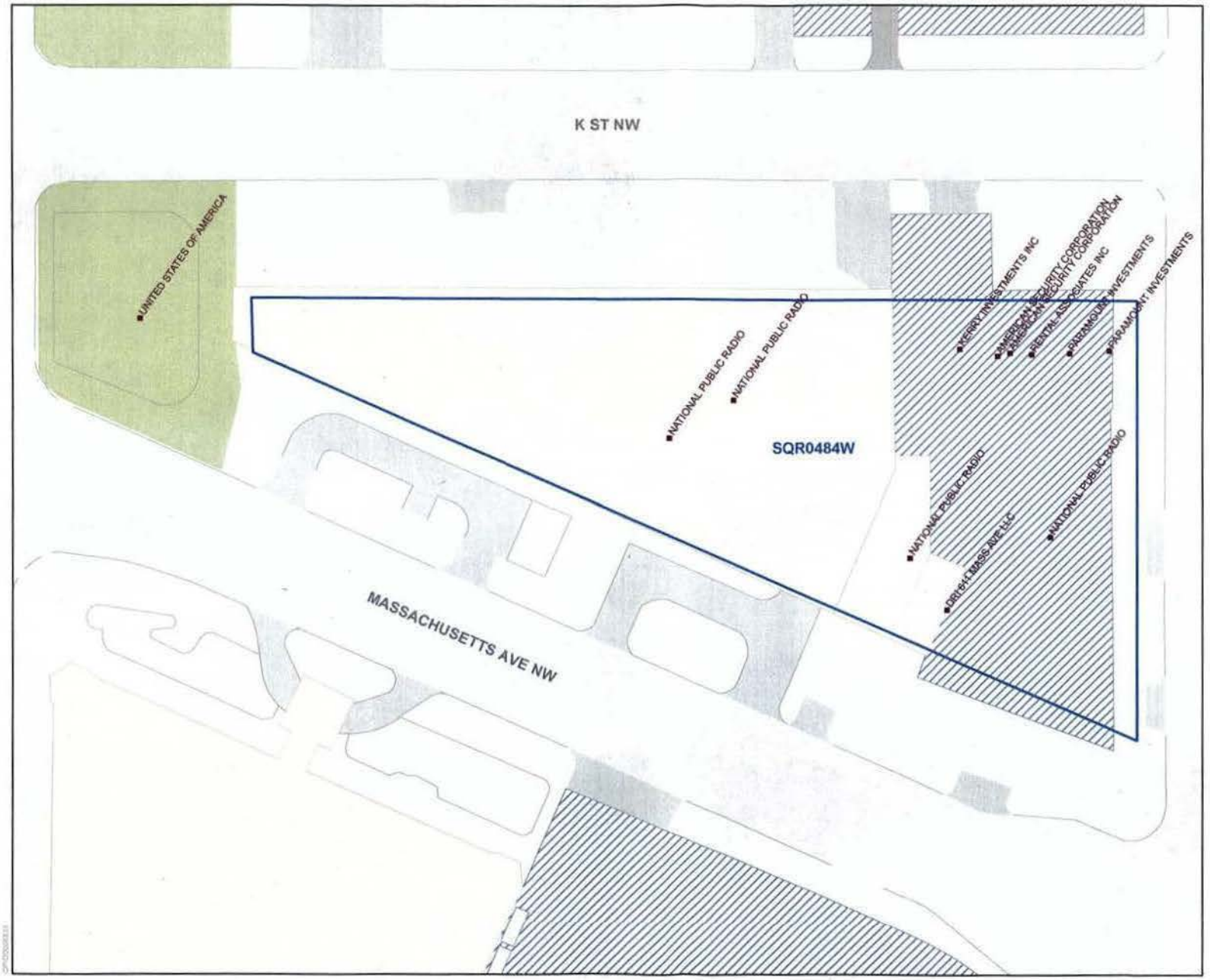

Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 484W

- Property Squares
- Ownership
- Buildings
- Curbs
- Driveways
- Alleys
- Roads
- Water
- Parking Lots
- Parks

Feet

N

0 20 40 60

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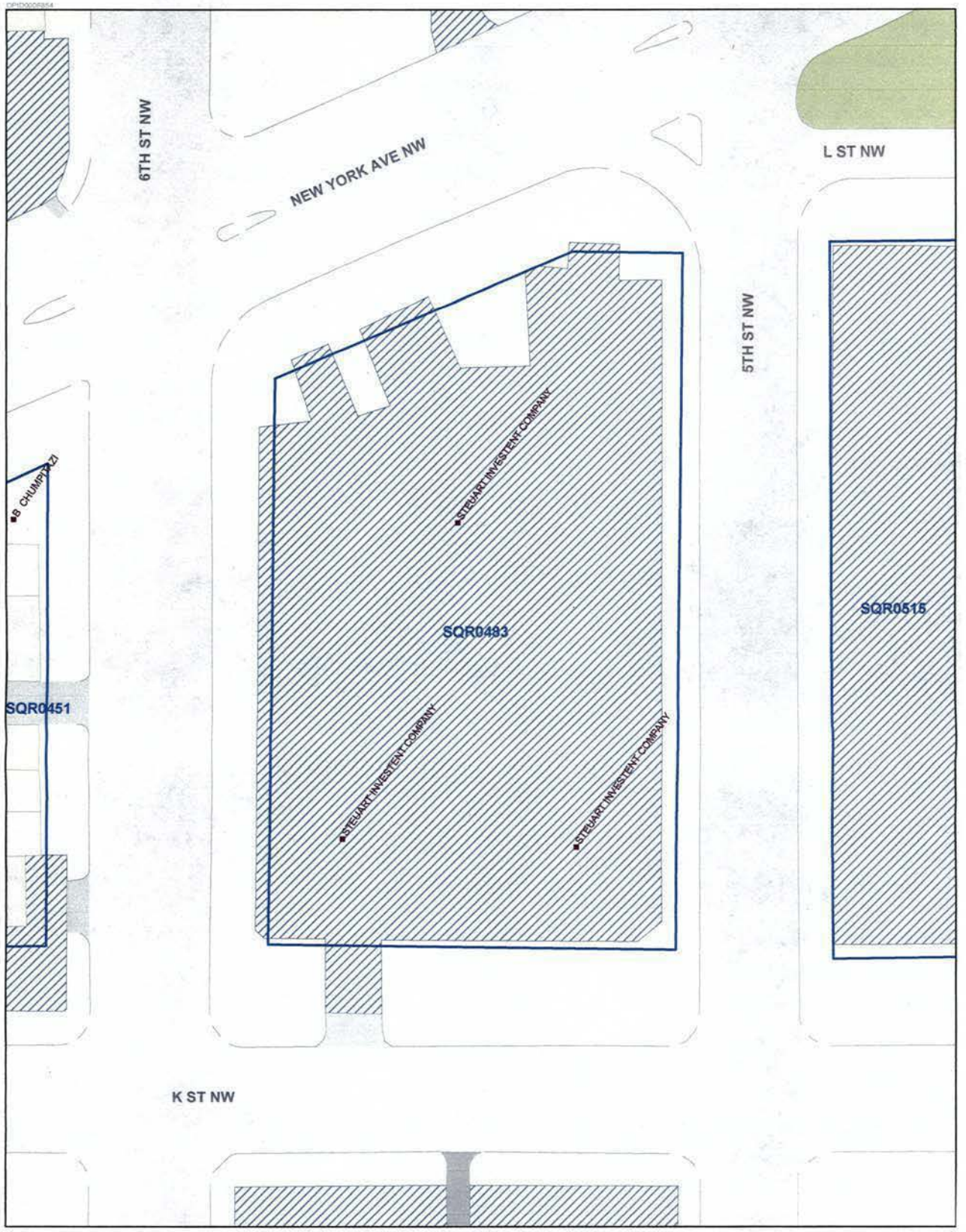

Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 483

Property Squares
Curbs
Parking Lots
Ownership
Driveways
Roads
Buildings
Alleys
Parks

Feet
N
0 20 40 60

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Anthony A. Williams, Mayor

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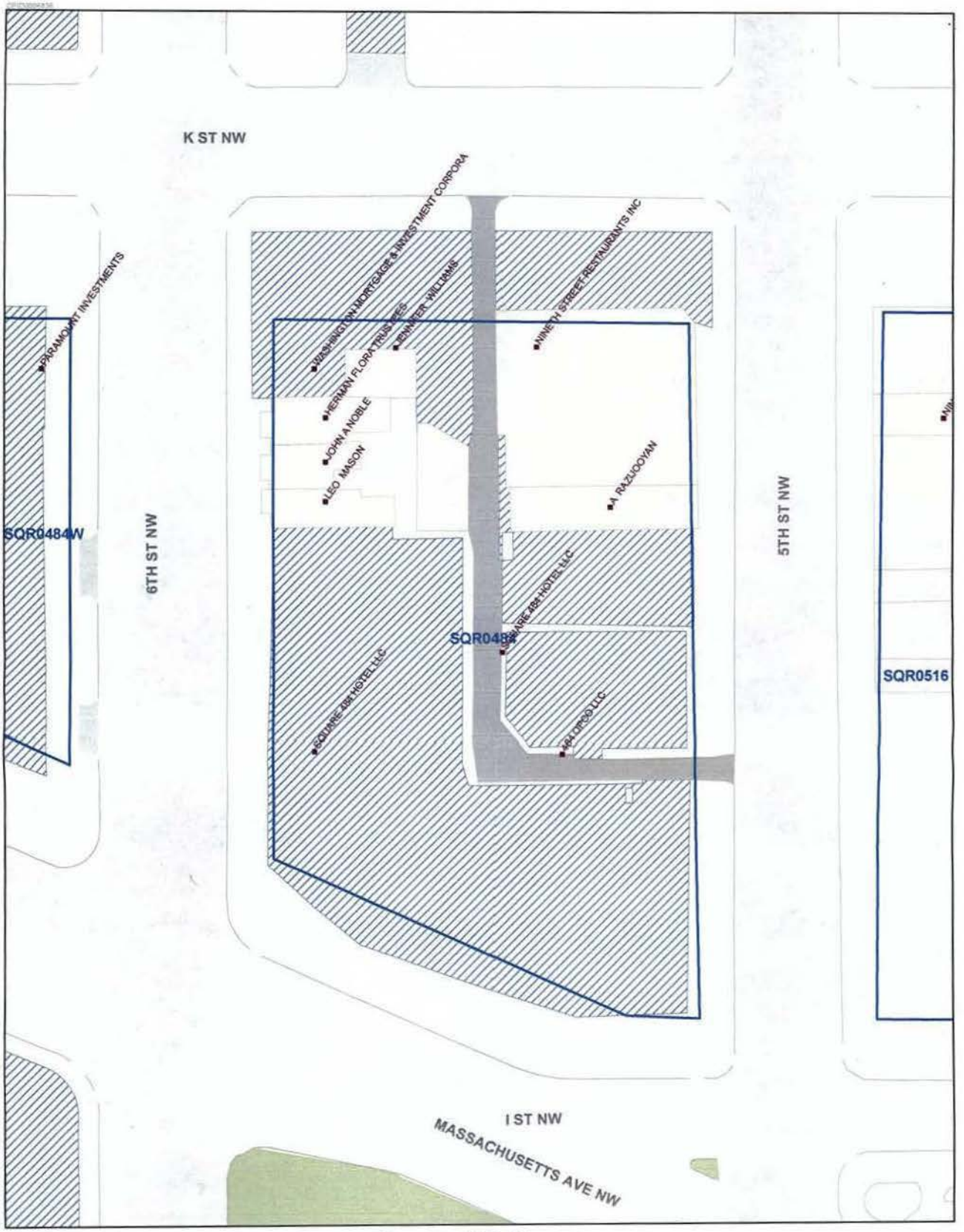

Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 484

Property Squares
Ownership
Buildings
Curbs
Driveways
Alleys
Parking Lots
Roads
Parks

Feet
0 20 40 60

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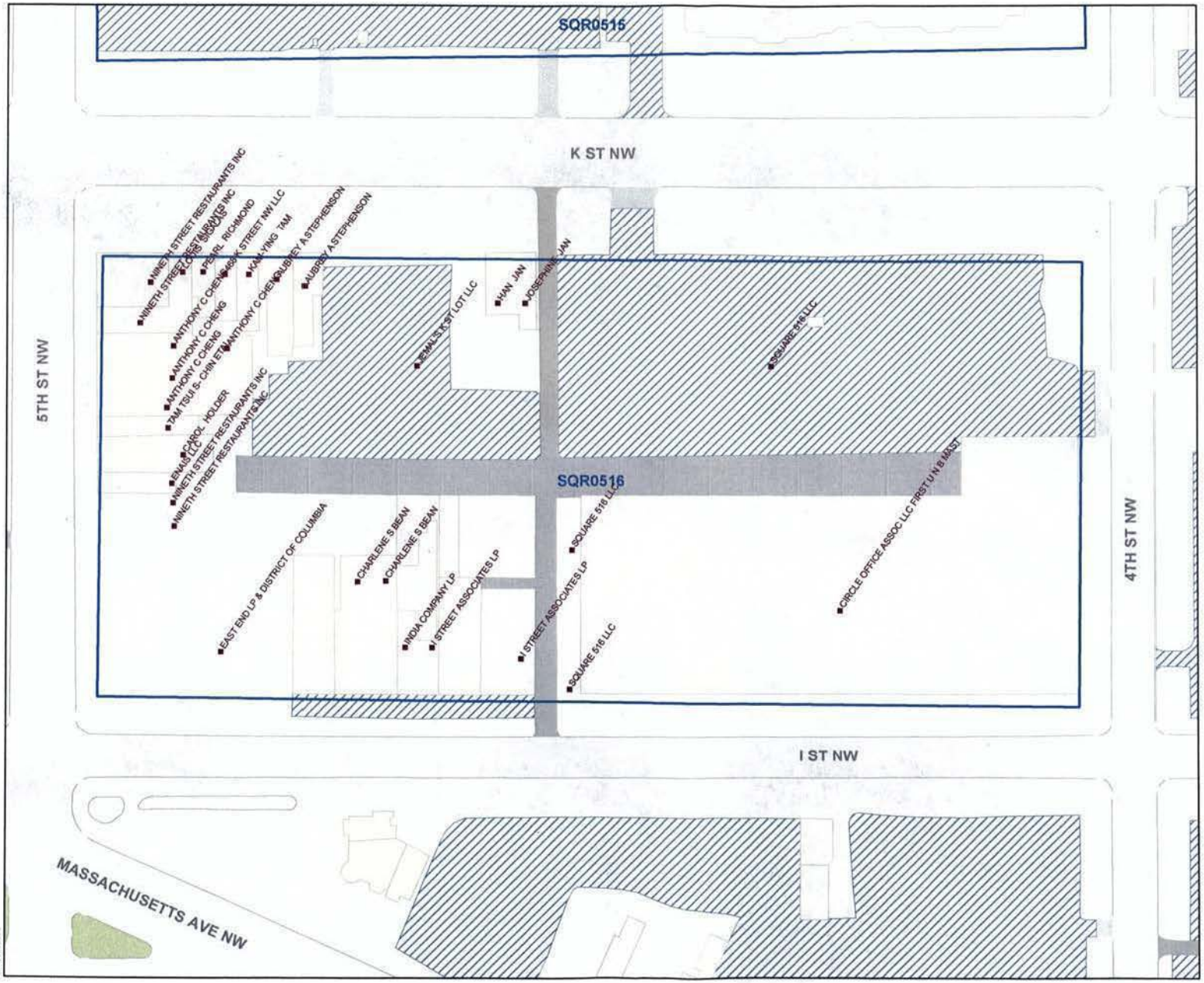

Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 516

- Property Squares
- Ownership
- Buildings
- Curbs
- Driveways
- Alleys
- Parking Lots
- Roads
- Water
- Parks

N

Feet

0 50 100

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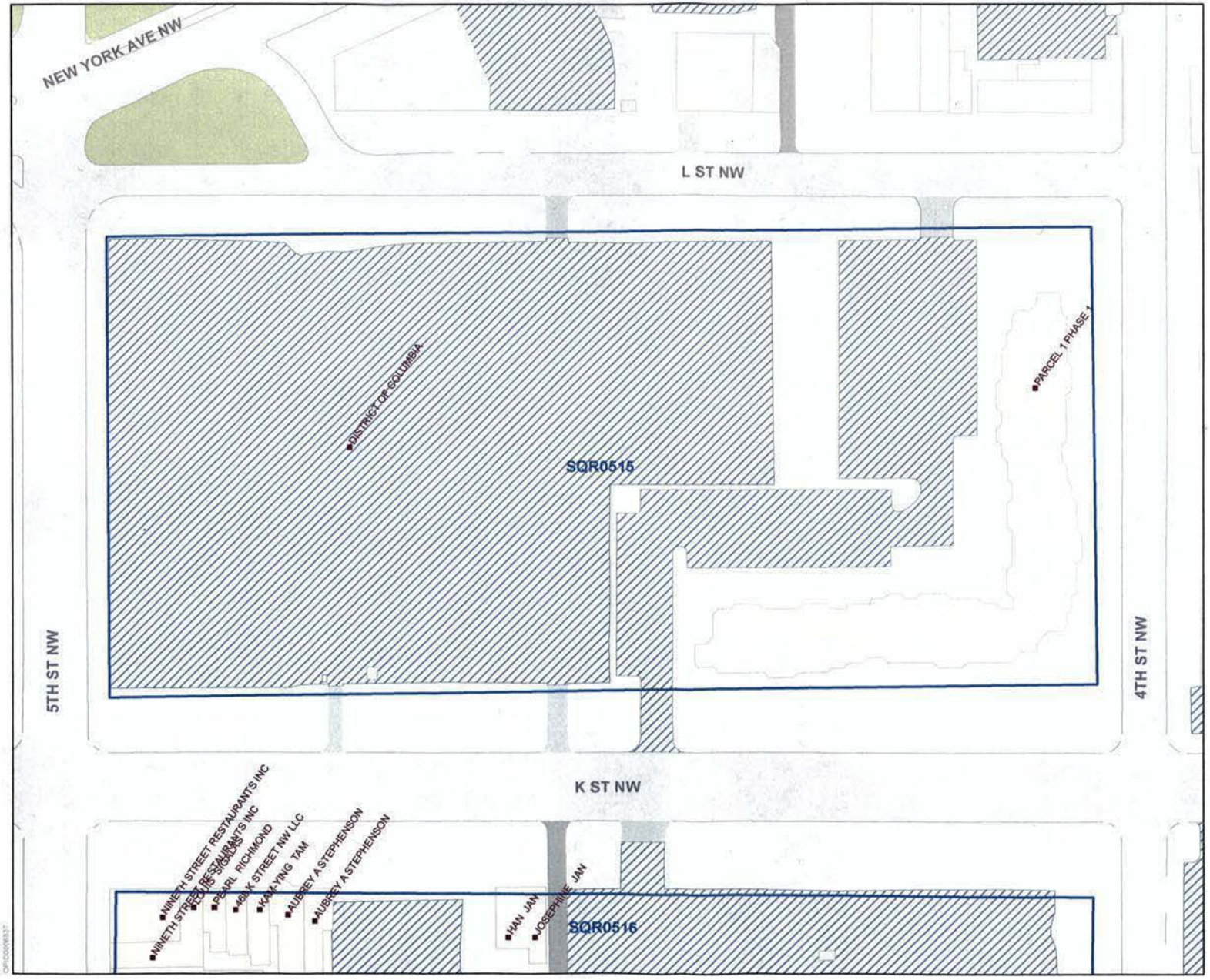

Proposed Mt. Vernon Triangle Sub-Area (ZC04-18)

Existing Curbs, Alleys, Driveways, Parking Lots and Adjacent Ownerships Square 515

- Property Squares
- Ownership
- Buildings
- Curbs
- Driveways
- Alleys
- Parking Lots
- Roads
- Water
- Parks

N

Feet

0 50 100

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Attachment 5

Z.C. 04-18

Office of Planning Testimony on Proposed Mount Vernon Triangle Map Amendment and Establishment of New Sub-Area Within the Downtown Development District

June 30, 2005

MOUNT VERNON TRIANGLE ACTION AGENDA

City agencies, property owners, and the community have come together in a partnership to create a vision and a development framework for a vibrant new residential and mixed-use neighborhood. This is a framework of great streets, neighborhood gateways, and activity centers, such as a new park and public plaza. A five-point action agenda was created to ensure that this vision will be achieved quickly and with lasting benefit to all City residents.

A VIBRANT NEW DOWNTOWN NEIGHBORHOOD

LIVING, WORKING, VISITING

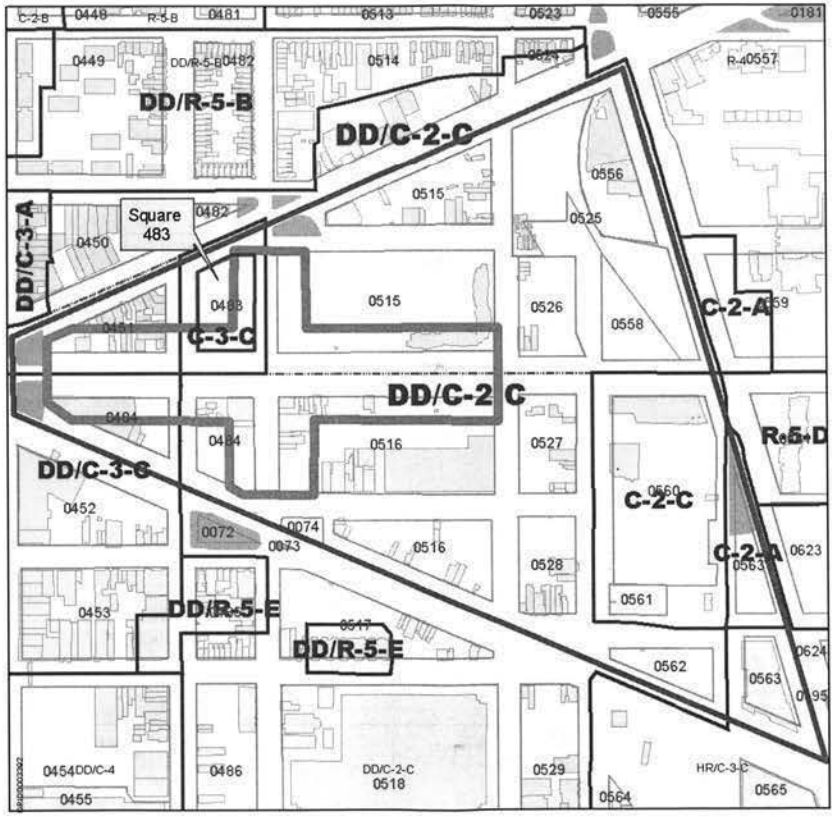
PUBLIC/PRIVATE PARTNERSHIP

A WELCOMING AND COHESIVE PUBLIC REALM

ACTIVE STREETS

INNOVATIVE ARCHITECTURE

MVT Distrct (Six Squares within Green and MVT Area (20 Squares within Purple)



Square 483 Comparisons: C-3-C, DD/C-3-C, DD-C-2-C

Square 483 (56,338 sf Lot Area)					
Zoning	**Current C-3-C**	**Proposed DD/C-3-C**	**-TDRs, CLD's -Other Bonuses & Requirements**	**Alternative DD/C-2-C**	**-TDRs, CLD's -Other Bonuses & Requirements**
Height	90' (8-9 floors)	130' (12 – 13 floors)	--	130' (12 – 13 floors)	--
FAR Commercial Max.	6.5	6.0	- +0.5 FAR purchasable TDRs	3.5	- +0.5 FAR purchasable TDRs
FAR Residential Minimum	None	3.5	-3.5 FAR on site, or CLD-transferable - 1.05 of 3.5 FAR may be satisfied thru off-site affordable	4.5	-3.5 FAR on site, or CLD-transferable - 1.05 of 3.5 FAR may be satisfied thru off-site affordable
FAR Total	6.5	-9.5 commercial, mixed (+0.5 TDR) -No maximum FAR for residential	- May accept 6.0 Res. FAR thru CLD	-8.0 commercial, mixed (+0.5 TDR) -No maximum FAR for residential	- May accept 6.0 Res. FAR thru CLD
Lot Occupancy	100%	100%	--	80%	--
Square Footages Commercial Max	366,204	338,034 (-28,170 sf)	28,169 sf purchasable TDRs,.	197,181 (-28,170 sf)	purchasable TDRs,.
Square Footages Residential Minimum	None	197,187 (plus 197,187 sf)	All CLD transferable 76,056 sf transferable w/out CLD, if affordable	253,521 (plus 197,187 sf)	All CLD transferable sf transferable w/out CLD, if affordable

MVT Sub-Area Provisions

DD, plus:

1. **Ground Floor Height standards (§1722.5)**
2. **Ground Floor Use Preference Area** (§§1732/2 – 1732.4)
   a. Special Entertainment Uses (§1732.4) (red)
   b. Primary Use Area (§1732.2) (yellow)
   c. Secondary Use Area (§1732.3) (blue)
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6. **Expansion of Alley System Through Easements** (§1728)
7. **Ground Floor Parking and Loading Areas / Green Roofs and Additional Recreation Space** (§1729)

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Ground Floor Use Preference Areas

Proposed overlay with primary subdistrict in yellow and secondary in blue. Special corner use requirements are indicated in red.

MVT: Potential New Development

Mount Vernon Triangle: Approximate Envelopes of Potential New Matter 0f Right Development, By Square

Square	Zoning	FAR	Property Area	Notes	Adjusted Area	New Dev. Potential	Res.Min. FAR	Comm.Max. FAR	Res.Min. SF	Comm.Max. SF	Either
451	DD/C2C	8	49,460		49,460	395,680	4.5	3.5	222,570	173,110	
483	C3C	6.5	59,339		59,339	385,704			-	-	385,704
484	DD/C2C	8	52,421	apt-hotel on Mass already built	22,421	179,368	4.5	3.5	100,895	78,474	
484W	DD/C3C	9.5	47,109	NPR's bldg to remain	23,206	220,457	3.5	6.0	81,221	139,236	
515	DD/C2C	8	228,028	Wax Museum coming; Museum Square exists	200,000	1,600,000	4.5	3.5	900,000	700,000	
515N	DD/C2C	8	80,550		80,550	644,400	4.5	3.5	362,475	281,925	
516	DD/C2C	8	201,289	INS built	148,096	1,184,768	4.5	3.5	666,432	518,336	
516S	DD/C2C	8	81,447		81,447	651,576	4.5	3.5	366,512	285,065	
525	DD/C2C	8	121,813	freeway ROW	69,813	558,504	4.5	3.5	314,159	244,346	
526	DD/C2C	8	60,815	freeway ROW	23,668	189,344	4.5	3.5	106,506	82,838	
527	DD/C2C	8	49,527	Mt. Carmel Church likely to remain	49,527	396,216	4.5	3.5	222,872	173,345	
528	DD/C2C	8	55,380		55,380	443,040	4.5	3.5	249,210	193,830	
556	DD/C2C	8	79,679	Bible Way remains; some pkg. Lot open	20,000	160,000	4.5	3.5	90,000	70,000	
558	DD/C2C	8	41,406	freeway ROW	24,000	192,000	4.5	3.5	108,000	84,000	
560	C2C	6	221,763	freeway ROW; apts built; decked air rights	100,000	600,000			-	-	600,000
561				no owner points	0	0			-	-	
562S	DD/C2C	8	35,953	DC plaza atop freeway; no building	0	0	4.5	3.5	-	-	
563	DD/HR/C3C	9.5	35,336	already built out	0	0	3.5	6.0	-	-	
563N	C2A	2.5	4,347		4,347	10,868					10,868
Totals			**1,505,662**			**7,811,924**			**3,790,850**	**3,024,503**	**996,572**

Information from DC GIS, compiled by SLC 4-20-04

Attachment 4

MVT Sub-Area Provisions

DD, plus:

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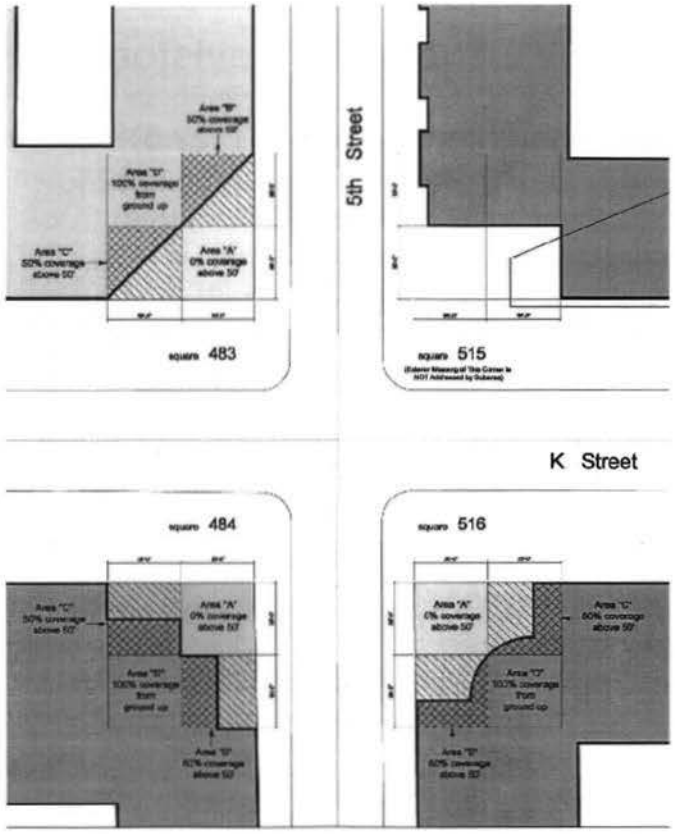
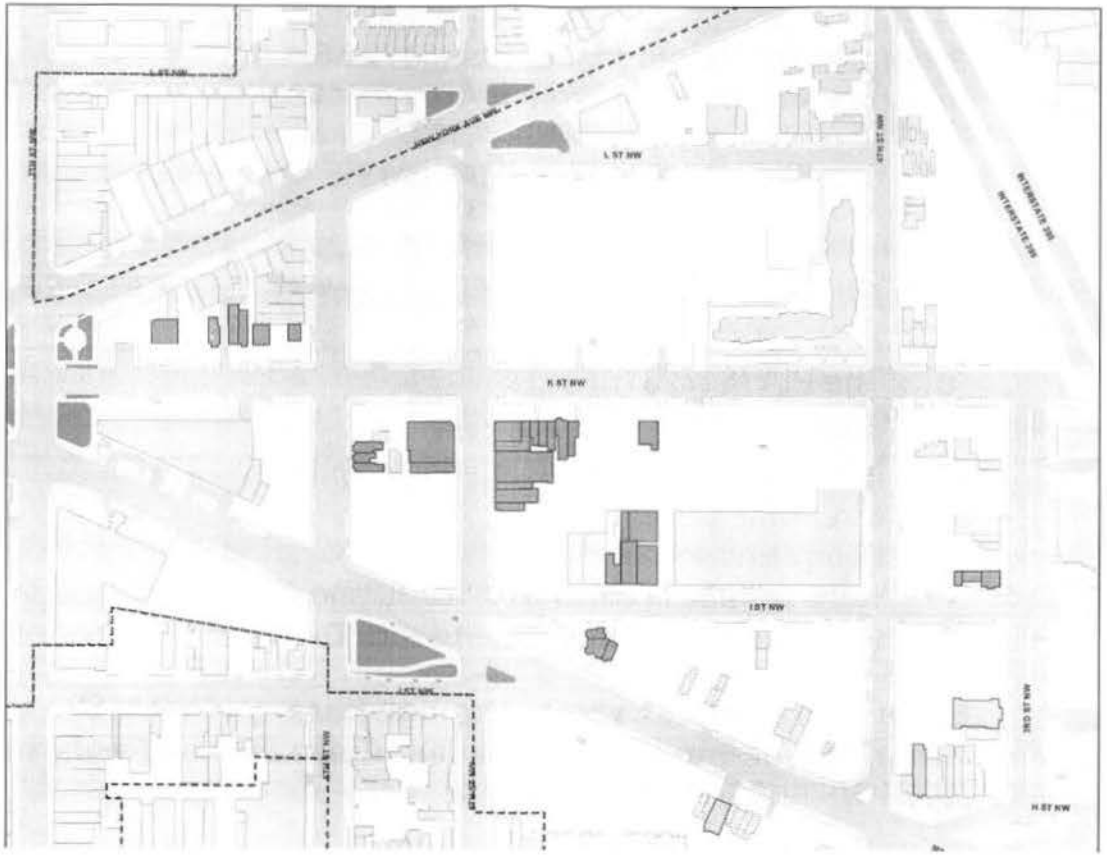


Z.C. Case #04-18

PROPOSED

Requirements For Buildings
@ 5th & K streets, NW
(Proposed sec. 170x.6)

Potentially Historic MVT Properties



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   e. Lobby Entrances (§1721.1)
   f. Roof Terraces (§1727.2)(§§1730 and 1731)
5. **Emphasis on Pedestrian Activity thru Driveway Restrictions (§**1730 , 1731)
6. **Expansion of Alley System Through Easements** (§1728)
7. **Ground Floor Parking and Loading Areas / Green Roofs and Additional Recreation Space** (§1729)

MVT Sub-Area Provisions

DD, plus:

1. **Ground Floor Height standards** (§1722.5)
2. **Ground Floor Use Preference Area** (§§1732/2 – 1732.4)
   a. Special Entertainment Uses (§1732.4) (red)
   b. Primary Use Area (§1732.2) (yellow)
   c. Secondary Use Area (§1732.3) (blue)
3. **Ground Floor Façade Standards** (§§1722.2 – 1722.5)
4. **Establishment of a Focal Point at 5th and K** (§§1723 – 1727; §1732.4)
   a. The PIA (§1723)
   b. Exterior Massing (§1724)
   c. Minimum Ground Floor Interior Heights (§1725)
   d. Streetwall Design (§1726)
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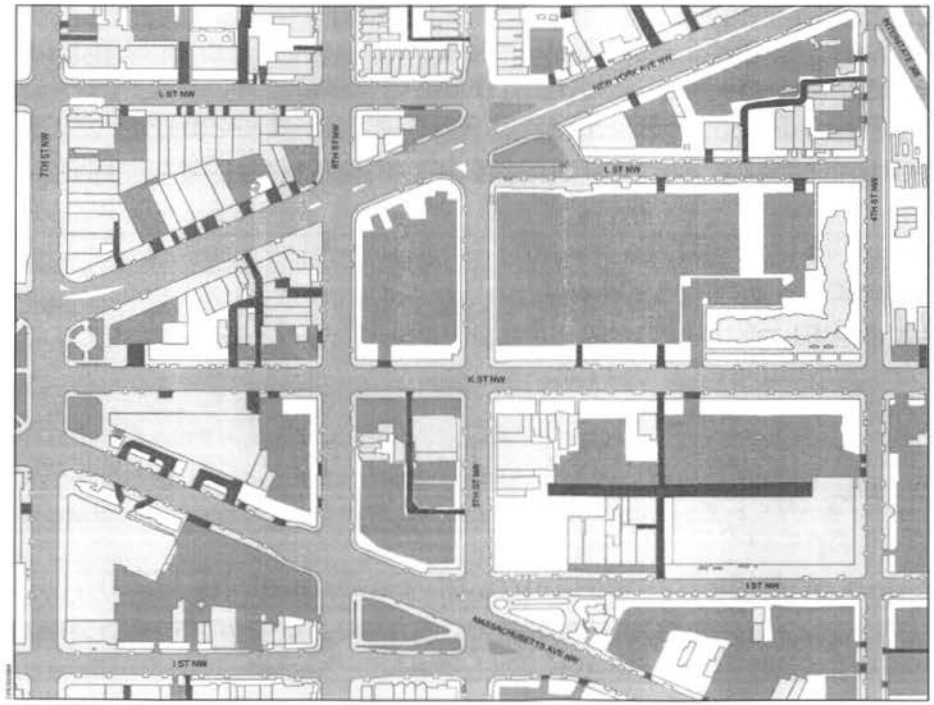
MVT Alleys & Driveways



Area West of Mt Vernon Square

- Buildings
- Sidewalks
- Drives
- Roads
- Alleys
- Parking Lots
- Bridges, overpasses etc
- Water
- Parks

Feet

0 100 200

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

Office of Planning – June 17, 2003

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.

MVT Sub-Area Provisions

DD, plus:

1. **Ground Floor Height standards** (§1722.5)
2. **Ground Floor Use Preference Area** (§§1732/2 – 1732.4)
   a. Special Entertainment Uses (§1732.4) (red)
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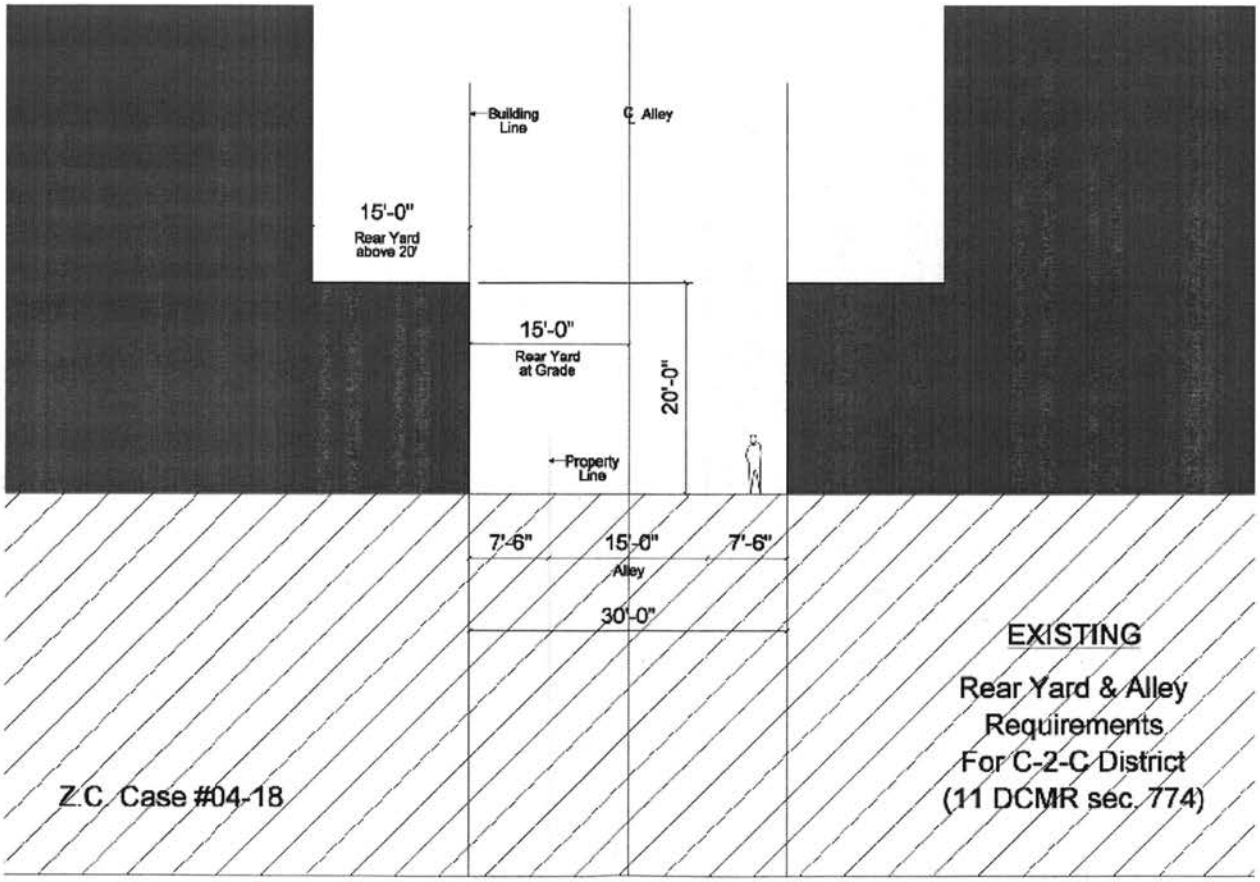
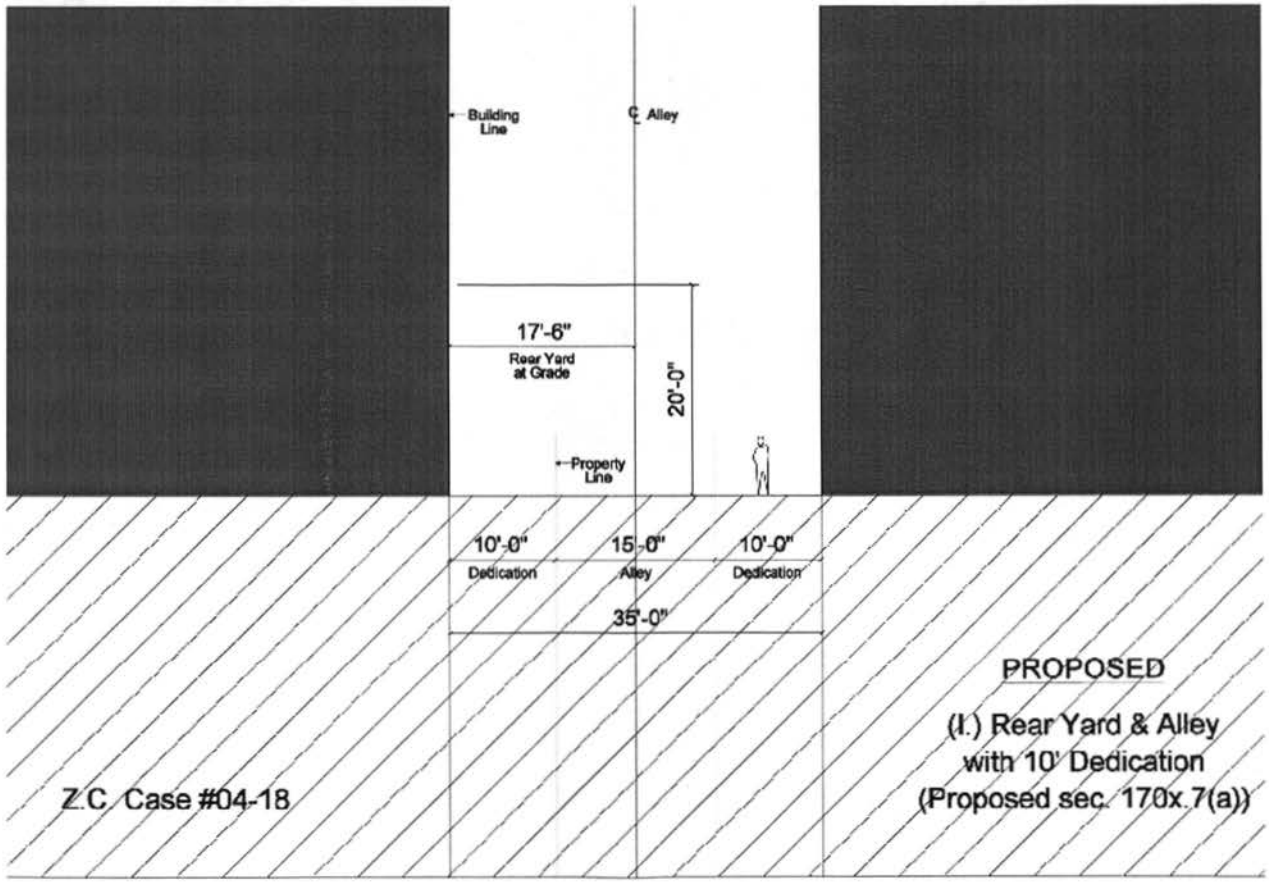
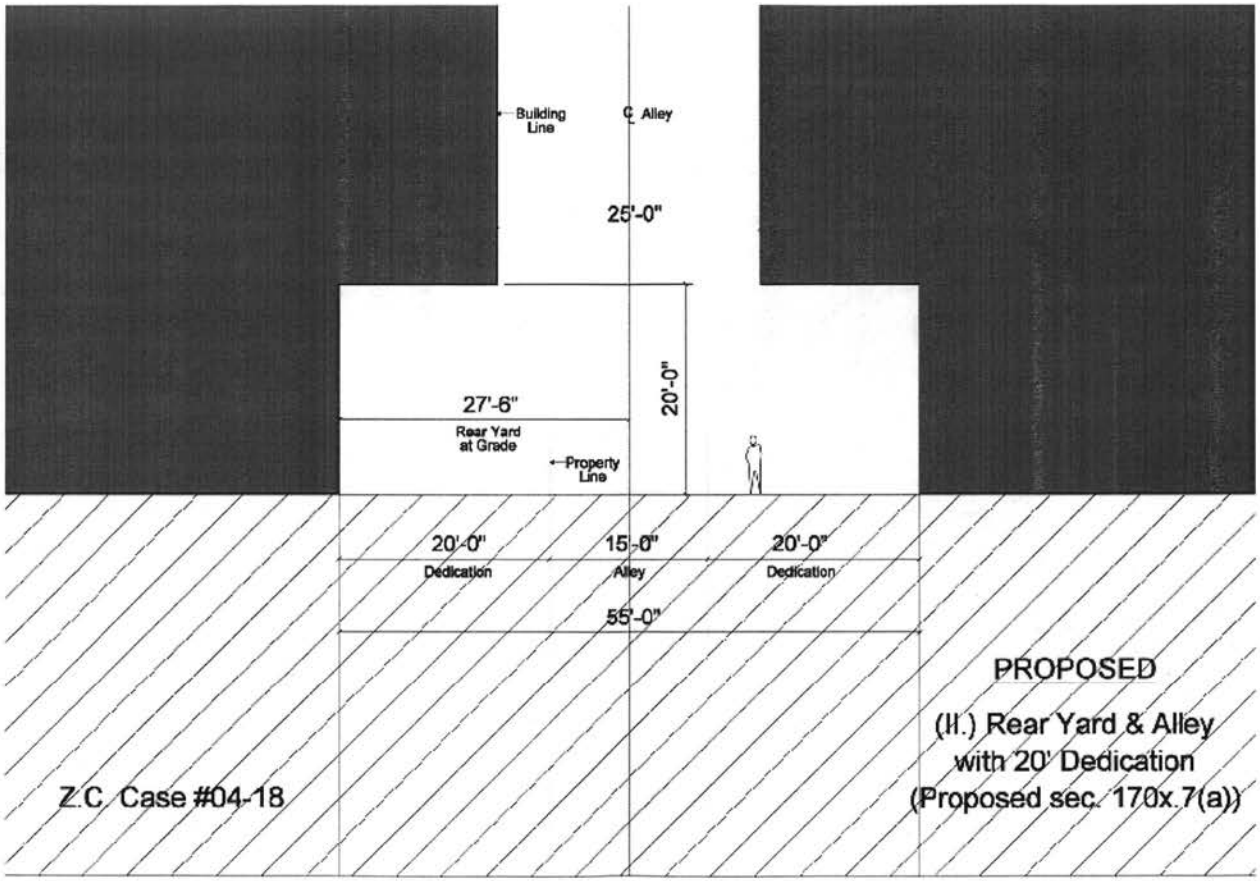
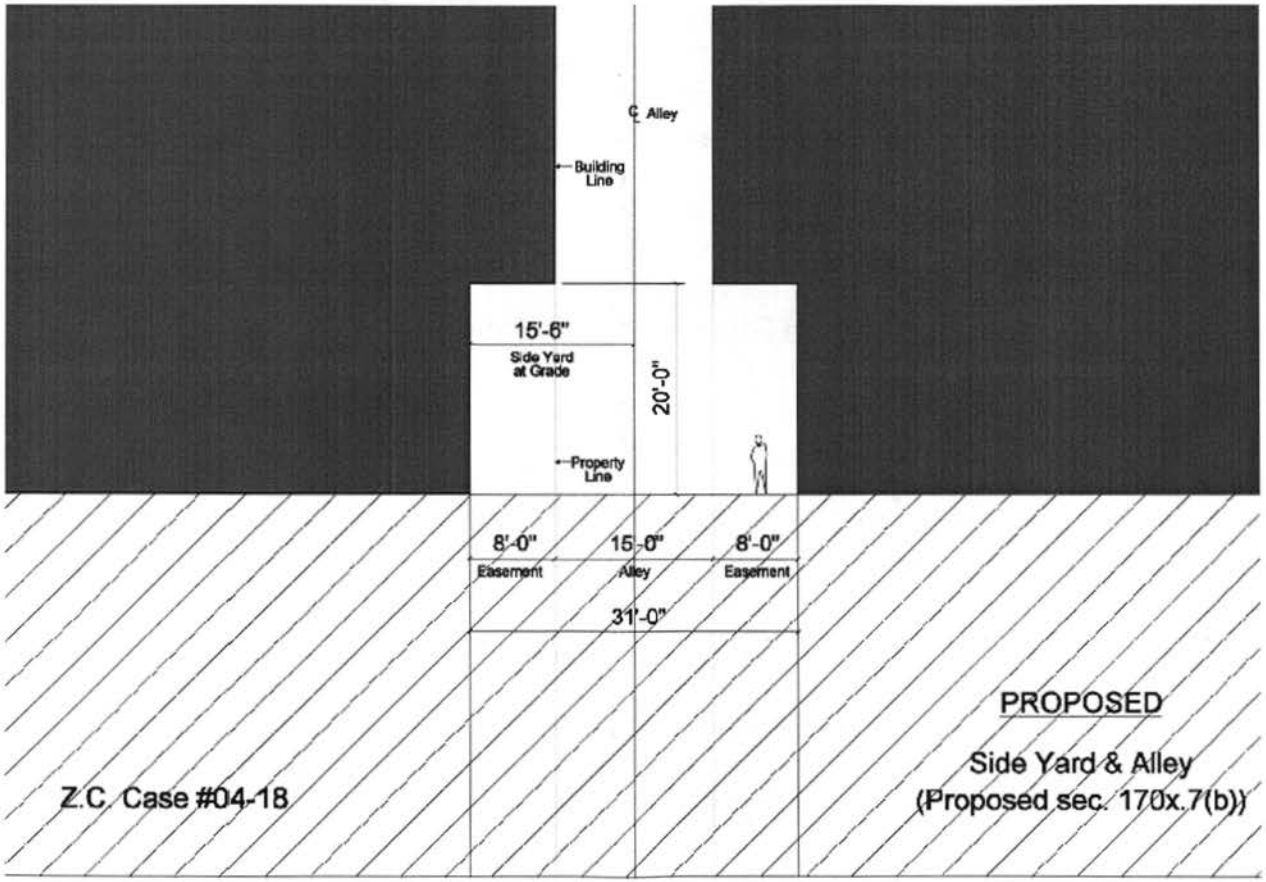

Building Line
℄ Alley
15'-0"
Rear Yard above 20'
15'-0"
Rear Yard at Grade
20'-0"
Property Line
7'-6"
15'-0"
7'-6"
Alley
30'-0"
EXISTING
Rear Yard & Alley Requirements For C-2-C District (11 DCMR sec. 774)
Z.C. Case #04-18


Building Line
℄ Alley
17'-6"
Rear Yard at Grade
20'-0"
Property Line
10'-0"
Dedication
15'-0"
Alley
10'-0"
Dedication
35'-0"
PROPOSED
(I.) Rear Yard & Alley with 10' Dedication (Proposed sec. 170x.7(a))
Z.C. Case #04-18


Building Line
℄ Alley
25'-0"
20'-0"
27'-6"
Rear Yard at Grade
Property Line
20'-0"
Dedication
15'-0"
Alley
20'-0"
Dedication
55'-0"
PROPOSED
(II.) Rear Yard & Alley with 20' Dedication (Proposed sec. 170x.7(a))
Z.C. Case #04-18


℄ Alley
Building Line
15'-6"
Side Yard at Grade
20'-0"
Property Line
8'-0"
Easement
15'-0"
Alley
8'-0"
Easement
31'-0"
PROPOSED
Side Yard & Alley
(Proposed sec. 170x.7(b))
Z.C. Case #04-18

MVT Sub-Area Provisions

DD, plus:

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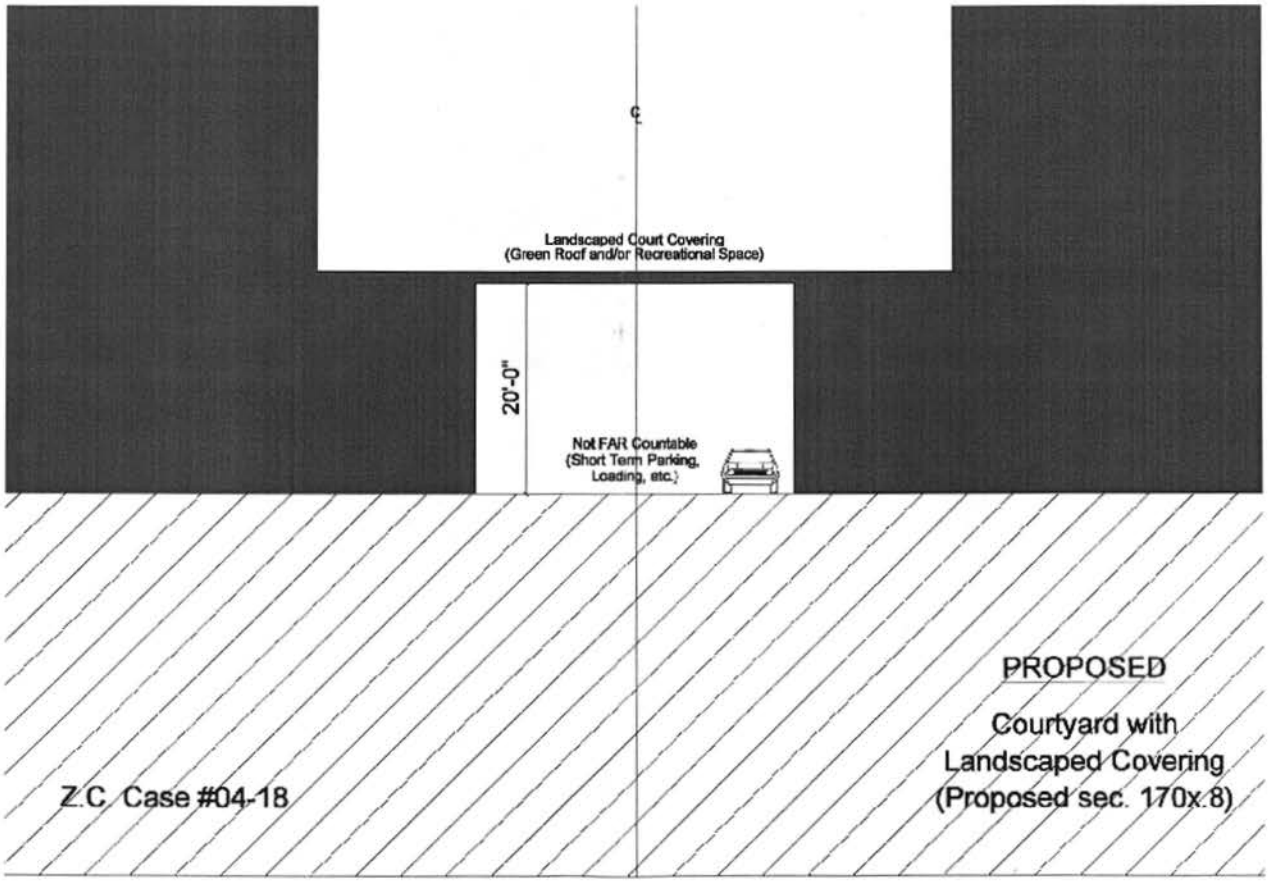
Landscaped Court Covering
(Green Roof and/or Recreational Space)
20'-0"
Not FAR Countable
(Short Term Parking,
Loading, etc.)
Z.C. Case #04-18
PROPOSED
Courtyard with
Landscaped Covering
(Proposed sec. 170x.8)

THE VISION

A FRAMEWORK OF GREAT NEIGHBORHOOD PLACES

The Mount Vernon Triangle is a rapidly emerging new neighborhood at the edge of downtown Washington. Located on 30 acres of surface parking lots and underbuilt land with great redevelopment promise, the Triangle is bounded by New York, Massachusetts, and New Jersey Avenues and is situated just east of the new Washington Convention Center and City Museum at Mount Vernon Square. The Triangle is surrounded by new construction at Mount Vernon Square and along Massachusetts Avenue. Two large projects are already in progress within the Triangle, with several others in the final stages of planning.

In light of this momentum, City agencies, property owners, and the community have come together in an unusual partnership to create a vision and a development framework for a vibrant new residential and mixed-use neighborhood. This is a framework of great streets, neighborhood gateways, and activity centers, such as a new park and public plaza. A five-point action agenda was created to ensure that this vision will be achieved quickly and with lasting benefit to all City residents.

The Mount Vernon Triangle is zoned to be lively and diverse, to contain a mixture of housing, workplaces, shopping, culture, and unique public spaces. The final build-out could total 4,000-5,000 new housing units, 1-2 million square feet of office space, 500-800 hotel rooms, 50,000 to 1000,000 square feet of cultural uses, 80,000-120,000 square feet of retail and restaurants, and 50,000 to 100,000 square feet of open space.

The Triangle has the potential to benefit from a confluence of new urban housing demand, arts, and institutions to create a competitive advantage attracting new residents and businesses to the District of Columbia. As a largely uncut it area, it also presents a rare opportunity to create a landmark neighborhood for the City, with the innovative and exceptional design of its architecture and public spaces.

The build out of the Mount Vernon Triangle will require approximately $1.8 billion of private capital and will produce approximately $50 million in annual taxes to the District.

5TH STREET: RETAIL CORRIDOR • PLAZA AND CAFES AT 5TH & K • GATEWAYS

K STREET: GRACIOUS WALKWAYS & LINEAR PARK • MOUNT VERNON SQUARE GATEWAY • LOCAL PARK & COMMUNITY FACILITY

THE AVENUES: A WASHINGTON ADDRESS • FORMAL ENTRIES • GENEROUS LANDSCAPE ZONES

RESIDENTIAL STREETS: CALM • INDIVIDUAL ENTRIES • SIDEWALK GARDENS