

**1200 K STREET NW**



**APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR  
REVIEW AND APPROVAL OF A MODIFICATION OF SIGNIFICANCE TO AN  
APPROVED PLANNED UNIT DEVELOPMENT**

March 12, 2021

## **EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Authorization Letters and Application Form	A
Approved Order (Z.C. Order No. 644)	B
Notice of Intent to Surrounding Property Owners and Certificate of Notice	C
Property Owners' List	D
Compliance with Modification of Significance Requirements	E
List of Publicly Available Information	F
Surveyor's Plat	G
Architectural Drawings and Elevations, Photographs of Property and Surrounding Area	H

## **I. Introduction**

1200 K Street I Co. LLC, and 1200 K Street II Co. LLC (collectively, the “**Applicant**”) hereby submit this application (this “**Application**”) to the District of Columbia Zoning Commission (the “**Commission**”) for review and approval of a modification of significance of an approved consolidated planned unit development (“**PUD**”). The property that is the subject of this Application is located at 1200 K Street N.W. (Square 285, Lot 49) (the “**Property**”), and has a land area of approximately 33,599 square feet. The Property is located in the central downtown neighborhood of the District and is bounded by K Street to the north, 12<sup>th</sup> Street to the east, the historic Franklin School building to the west, and a public alley and the remainder of Square 285 to the south. The Property is presently improved with as 12-story mixed use office and retail building with a height of 130 feet and a FAR of 11.17 (the “**Existing Building**”).

Briefly, the Applicant seeks approval of modifications and refinements to the design of an approved PUD that will modernize the building, improve energy efficiency, enhance the retail experience, and expand the range of tenant amenities. The PUD will continue to consist of office and ground floor retail uses in a 12-story building with 241 parking spaces, and the height and density of the building will remain unchanged. The Applicant proposes to reconfigure the massing of the building and replace the existing neoclassical massing with a more contemporary expression that also shifts the upper components of the building away from the historic Franklin School and allows for the creation of multiple outdoor terraces. In connection with this reconfiguration, the Applicant will reskin the building and reconfigure and enhance internal building components, including common amenity space for office tenants and improved retail spaces on the 12<sup>th</sup> Street and K Street frontages (collectively, the “**Project**”).

## **II. Background**

The Commission originally approved a planned unit development and map amendment for the Property in 1989 (“**Approved PUD**”). The Approved PUD authorized the construction of a 130-foot office building on the Property, with ground floor retail, FAR of 11.17, and a minimum of 241 parking spaces.<sup>1</sup> The Approved PUD also included extensive benefits and amenities, such as a commitment to provide off-site housing and the refurbishment of the historic Franklin School building adjacent to the Property. The Commission approved the PUD in Z.C. Order No. 644, a copy of which is attached as Exhibit B (the “**Original Order**”).

## **III. Summary of PUD Modifications**

As discussed in detail below, the Applicant seeks approval of a modification of significance to the Approved PUD. The modifications proposed by this Application (the “**Modified PUD**”) are centered on the goals of improving energy efficiency, updating and modernizing design, and enhancing tenant amenities. The proposed modifications are entirely consistent with the overall development envelope, policy objectives, character, and appropriateness of the Approved PUD. Updated plans for the Project, including comparisons between the Approved PUD and the Modified PUD as well as zoning tabulations for the Modified PUD, are attached as Exhibit H (the “**Revised Plans**”).

### **A. Modifications to the Building Design**

Comparisons between the Approved PUD and the Modified PUD are included in the Revised Plans. The changes are summarized and described below.

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<sup>1</sup> While the conditions of approval note a requirement for a minimum of 203 spaces, the building was actually constructed with 241 spaces. See Finding of Fact 12 of the Original Order.

1. Refined Architectural Design, Ground Floor Updates and Shift in Massing

The Project will continue to consist of a 130-foot tall office building with ground floor retail. However, the massing and building materials have been adjusted to improve the building's efficiency and emphasize outdoor space. The Modified PUD will resculpt the massing of the building into a more contemporary expression that emphasizes a larger grid-like form yet creates improved outdoor terrace areas for tenant use. (Exhibit H, pgs. 11-19.) These include two covered outdoor terraces at the 4<sup>th</sup> floor and at the 7<sup>th</sup> floor of the building as well as open terraces at the 10<sup>th</sup> floor and 12<sup>th</sup> floor created by the pulling back of the primary building form from the historic Franklin School. These terraces will enhance the light and air to the office levels of the Existing Building and also add visual interest to the building from the street level. In addition, the Existing Building will be reskinned with a contemporary material palette, including a primary curtainwall system overlaid by an architectural metal frame that defines and articulates the façade. The ground floor façade will also be updated to include glass panels, which will create a more engaging experience for pedestrians.

2. Penthouse Redesign

As a part of the building renovation, the Applicant will add a habitable penthouse as well as create accessible outdoor spaces at the penthouse level. The penthouse programming is anticipated to include a mix of indoor and outdoor spaces.<sup>2</sup> The redesigned penthouse will also create an opportunity to add sustainable features, including green roof and solar panels as well as improved mechanical systems that will help improve the overall environmental performance of

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<sup>2</sup> The habitable penthouse space will trigger an affordable housing contribution; prior to the hearing, the Applicant will provide a preliminary estimate of this contribution.

the building. (Exhibit H, pg. 56.) The revised building will be designed to a minimum of LEED Gold.

### 3. Internal Reconfiguration

The Applicant plans to internally reconfigure the ground floor and lower levels of the Existing Building to provide updated building office amenity, support, and retail space. The enhanced office amenity and support spaces will improve the marketability of the building to new tenants and potentially include fitness, meeting, and co-working spaces. The redesigned retail spaces along 12<sup>th</sup> Street and K Street will create better retail opportunities. The changes to the retail areas will create a more open and active ground floor and will allow for more circulation between the office lobby and the retail spaces. The reconfigured double-height retail spaces and triple-height lobby will also create activity and visual interest for pedestrian traffic along K Street.

With these revisions to the ground-level portions of the building, the Modified PUD will also further the goals of the Office of Planning’s November 2019 K Street Public Life Study (the “**K Street Study**”). The K Street Study identified the predominant building form (office use within wide buildings with few ground-floor entry points) and the lack of ground floor retail and dining offerings as factors that undermine a positive pedestrian experience on K Street. Here, the proposed changes to the ground floor level of the Project will further the goals of the K Street Study by creating a more open ground floor façade with visually-engaging double- and triple-height windows, maintaining multiple entry points along K Street, and expanding the ground floor retail options. The updated streetscape experience will also complement the increase in activity generated by the Planet Word Museum at the Franklin School next door as well as from the renovated Franklin Square.

***B. Adjustments to Areas of Flexibility***

The Approved PUD included flexibility from the rear yard requirement. In connection with the Modified PUD, the Applicant is seeking additional flexibility from the court requirements. The building setbacks at the 10<sup>th</sup> and 12<sup>th</sup> floors create a series of courts on the west side of the Project. While the primary court created by the 10<sup>th</sup> floor is a compliant open court, a narrow 6'1"-deep, 2-story recess is created at the southwest corner that could be considered to be a noncompliant closed court.<sup>3</sup> The Zoning Regulations require a minimum 12' width for a closed court, and so this 6' court falls short of the base requirements.

Here, the requested deviation is minor, particularly given the relatively short 2-story height of the court. Furthermore, no setback is required, and so providing a modest setback is actually an improvement over what is allowed by right. Finally, the 30' separation between the Franklin School and the Project means that there is ample open space between the two buildings.

***C. Adjustments to Proposed Conditions of Approval***

The Approved PUD contains twenty-eight guidelines, conditions, and standards of approval related to project development and design, public benefits, and other miscellaneous conditions. The Modified PUD involves no changes to the conditions relating to public benefits, which were all fulfilled in connection with the original PUD. However, the Applicant anticipates that conditions relating to the project design of the Approved PUD (e.g. Conditions 1-3, 7, 16, 19, and 20) will need to be updated to reflect the Modified PUD. In addition, the Applicant expects to update the "flexibility" conditions included in Condition 22 of the Original Order to reflect the Commission's current standard flexibility conditions. The remaining conditions of the Original

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<sup>3</sup> The space could also easily be construed as either a court niche or a part of the irregular open court, but the Applicant requests relief out of an abundance of caution.

Order, to the extent they are still applicable and were not satisfied in connection with the construction of the PUD, will not be modified. Prior to the public hearing, the Applicant will prepare and submit revised conditions that reflect the final design of the Modified PUD.

#### **IV. Compliance with Requirements of the Zoning Regulations**

The Approved PUD was approved under the 1958 Zoning Regulations, as amended. As set forth in 11-A DCMR § 102.4, the Modified PUD is processed under the procedural requirements of the 2016 Zoning Regulations, and the substantive requirements of the 2016 Zoning Regulations apply to the requested changes. The review of a modification of significance is “limited to impact of the modification on the subject of the original application.” 11-Z DCMR § 704.4. Section 704.4 also notes an intent by the Commission to not “revisit its original decision” in a PUD modification. As set forth below, the Modified PUD satisfies the requirements of the Zoning Regulations for review and approval of a modification of significance to a consolidated PUD.

##### **A. Filing Requirements**

Attached as Exhibit E is a certificate of compliance with the filing requirements for a PUD, which are the procedural requirements for this modification of significance.

##### **B. Evaluation Standards**

As discussed above, the evaluation of a modification of significance is generally limited to the impact of the modification on the original PUD. Here, the modifications are generally limited to the design of the Project and do not materially impact the planning, uses, amenities, benefits and impacts that formed the basis of the Commission’s prior determination that the Project complied with the overall PUD evaluation standards. In other words, the Modified PUD continues



to comply with the evaluation standards as outlined in the Original Order, which authorized the Approved PUD, including:

- The determination that the impacts of the PUD on the surrounding area and city services and facilities are favorable, capable of being mitigated, or acceptable given the quality of public benefits;
- The conclusion that specific public benefits and project amenities proposed as a part of the PUD are adequate and balancing of the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and the potential adverse effects of the PUD; and
- The consistency of the PUD with the Comprehensive Plan and other adopted policies.

1. Project Impacts on the Surrounding Area

The Commission previously concluded that the Approved PUD “can be approved with conditions which ensure that the development will not have an adverse [e]ffect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.” (Original Order, Conclusions of Law #6.) The Commission also found that “the proposal is suitable for the site, and that the design, height, density, and scale are compatible with the subject area.” (Original Order, Finding of Fact #44.) The Project’s location, mix and size of uses as well as the amount and location of parking and loading facilities in the Modified PUD all remain generally consistent with the Approved PUD. As discussed below, the Applicant believes that the changes to the Existing Building’s design will not adversely impact the surrounding area, and will in fact enhance the streetscape experience and be respectful of the historic Franklin School building. Accordingly, the Applicant believes that Commission’s conclusion that the impact of the Project is acceptable remains intact.

## 2. Public Benefits and Project Amenities

Generally, the public benefits associated with the PUD's height, density, and related rezoning were already provided in connection with the Approved PUD. These benefits, which included historic preservation of the Franklin School building, rehabilitation of off-site housing, contribution to programs sponsored by the District public school system, improvement of the Franklin Square area, and commitment of funds for the improvement of Franklin Park, were found to be "a very significant public benefit." (Original Order, Finding of Fact #41.) As the Project continues to contain the same mix of uses, at the same height, general configuration and density previously proposed, no additional public benefits are warranted.

With that said, the Modified PUD will generate a number of additional public benefits, primarily through an updated architectural design and the enhanced sustainability of the building and improved ground-floor activity. As shown on the Plans, the revised building design continues to use high-quality materials and other architectural elements, ensuring that the PUD continues to deliver exemplary design. Key sustainable components include green roof, solar panels, and upgrades to mechanical and building performance systems that will allow the building to reach LEED Gold status. Key pedestrian-activating benefits include the revised ground-floor program and design changes, which will further the city's goals for an improved K Street pedestrian experience. To the extent that the additional modest flexibility from the court requirements constitutes an additional development incentive, the improved architectural design, updated street-activating ground-floor plan, and marked increase in sustainable measures more than outweighs this flexibility.

3. Consistency with the Comprehensive Plan, the General Purpose and Intent of the Zoning Regulations, and the Approved PUD

The Modified PUD continues to be consistent with the Comprehensive Plan and with other adopted public policies related to the Property. The Property is in the High-Density Commercial category on the Future Land Use Map, and the proposed scale and mix of uses in the Project remains wholly consistent with the Future Land Use Map. As the uses and scale of the Project are not changing and the benefits and the amenities of the Approved PUD have been provided, the Modified PUD remains consistent with the with Land Use, Housing, and Historic Preservation Elements of the Comprehensive Plan. Furthermore, the proposed modifications will render the Modified PUD consistent with additional aspects of the Comprehensive Plan, including the following policies of Urban Design Element and the Environmental Protection Element:

Policy UD-2.1.4: Architectural Excellence: Promote excellence in the design of Downtown buildings and landscapes. Particular attention should be focused on ground floor (street) levels, with greater architectural details used to improve visual image. 909.12

Policy UD-2.2.4: Transitions in Building Intensity: Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11

Policy UD-3.1.7: Improving the Street Environment: Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to

accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

Policy UD-3.1.11: Private Sector Streetscape Improvements: As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties. 913.18

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 613.3

Policy E-3.2.1: Support for Green Building: Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. 614.2

The shift in the Existing Building's massing away from the lower and smaller Franklin School building, the redesign on the ground floor retail façade, and the streetscape and landscaping improvements all directly advance the foregoing policies of the Urban Design Element of the Comprehensive Plan. The modernization of the building, including use of more efficient building materials, landscaping along the new outdoor terrace areas, and redesign of the penthouse and roof to include green space and solar panels fulfill the policy goals of the Environmental Protection Element of the Comprehensive Plan listed above.

The Project also continues to be consistent with the intent and purpose of the Zoning Regulations, and the goals of the planned unit development process, including in particular the overall development envelope, policy objectives, character and appropriateness of the Approved PUD.

**V. Conclusion**

For the foregoing reasons, the Applicant submits that the enclosed application meets the standards of Chapter 3 of Subtitle X and Chapter 7 of Subtitle Z of the Zoning Regulations. Therefore, the Modification of Significance of the PUD should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the PUD application down for a public hearing at the earliest possible date.

Respectfully submitted,

GOULSTON & STORRS, PC

\_\_\_\_\_/s/\_\_\_\_\_  
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Jennifer Logan

Date: March 12, 2021