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April 17, 2001

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VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Application for a Planned Unit Development at
1700-1730 K Street, N.W. (Sq. 126, Lots 56 and 851)

Dear Members of the Commission:

On behalf of Commerce Building Associates, a Joint Venture, and Riddell Building Associates, the owners of the above-referenced property, we are filing herewith their applications for a planned unit development pursuant to 11 DCMR § 2400 and the Public Space Utilization Act. Twenty copies of a statement in support of the applications are included, as well as twenty copies of architectural drawings submitted separately as Exhibit A to the statement. A check in the amount of \$1,000.00 is also included in payment of the filing fee for the applications.

We look forward to the Commission's consideration of these applications.

Very truly yours,

Whayne S. Quin

Enclosures

ZONING COMMISSION
CASE NO. 01-07C
EXHIBIT 5 ZONING COMMISSION
District of Columbia
CASE NO.01-07
EXHIBIT NO.5A1

April 16, 2001

Page 2

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WAS1 #938376 v1

1700 K STREET, N.W.



**STATEMENT OF
COMMERCE BUILDING ASSOCIATES, A JOINT VENTURE
AND RIDDELL BUILDING JOINT VENTURE
IN SUPPORT OF APPLICATIONS
TO THE DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
PURSUANT TO 11 DCMR § 2400 AND THE
PUBLIC SPACE UTILIZATION ACT**

April 16, 2001

ZONING COMMISSION

CASE No. 01-07C

EXHIBIT No. 5

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**- STATEMENT OF -
COMMERCE BUILDING ASSOCIATES, A JOINT VENTURE
AND RIDDELL BUILDING JOINT VENTURE
IN SUPPORT OF APPLICATIONS
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FOR A
CONSOLIDATED PLANNED UNIT DEVELOPMENT
PURSUANT TO 11 DCMR § 2400 AND THE
PUBLIC SPACE UTILIZATION ACT**

April 16, 2001

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Attorneys for the Applicants

PREFACE

This statement is submitted by Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture in support of their application for consolidated approval of a planned unit development before the District of Columbia Zoning Commission in conformity with Chapter 24 of the District of Columbia Zoning Regulations. The property is located in the C-4 District at 1700-1730 K Street, N.W., Lots 56 and 851 in Square 126. The Applicants are seeking PUD approval in order to construct a new premier office building at the southwest corner of Connecticut and K Streets, N.W.

The proposed PUD will not increase the existing density on the site. Rather, the Applicants will replace the two existing buildings on the site, which were constructed prior to the enactment of density restrictions and have a total FAR of 11.55, with a building of similar size. The new structure will have a density of 11.14 FAR. This density, however, can only be achieved under the PUD guidelines for the C-4 District.

DEVELOPMENT TEAM

Applicant and Owner: Commerce Building Associates, a Joint Venture
c/o The Charles E. Smith Realty Company
1666 K Street, N.W.
Washington, D.C. 20006

Riddell Building Joint Venture
c/o The Charles E. Smith Realty Company
1666 K Street, N.W.
Washington, D.C. 20006

Design Architects: Pei Cobb Freed & Partners *Architects LLP*
88 Pine Street
New York, New York 10005

Associate Architects: Weihe Design Group PLLC
1025 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20006

Developer: Charles E. Smith Commercial Realty
1666 K Street, N.W.
Washington, D.C. 20006

Land Use Counsel: Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Traffic Consultant: Gorove/Slade Associates, Inc.
1140 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20036

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
A. Project Summary.....	2
B. The Applicant.....	2
II. PROJECT DESCRIPTION.....	3
A. Site Location and Description.....	3
B. Existing Topography.....	4
C. Project Design.....	4
D. Use of Public Air Space.....	6
E. Matter of Right Development Under Existing Zoning.....	10
F. Matter of Right Development Under Proposed Zoning.....	10
G. Tabulation of Development Data.....	11
H. Flexibility Under the PUD Guidelines.....	11
III. THE PUD PROCESS IS THE APPROPRIATE MECHANISM FOR THIS PROJECT.....	12
A. Benefits of the PUD Process.....	12
B. Goals and Objectives of the Proposed PUD.....	13
C. Benefits of the Project.....	14
IV. THE PROPOSED PROJECT MEETS THE STANDARDS OF THE PUD REGULATIONS.....	15
A. PUD Requirements Under the D.C. Zoning Regulations.....	15
B. Public Benefits and Project Amenities.....	15
V. COMPLIANCE WITH D.C. COMPREHENSIVE PLAN.....	19
A. Compliance with Major Themes.....	20
B. Compliance with Major Elements.....	21
VI. AREAS OF FLEXIBILITY.....	24
VII. CONCLUSION.....	24

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Architectural Plans and Drawings, including: Detailed Landscaping and Grading Plan Circulation Plan Tabulation of Development Data	A (submitted separately)
Completed Zoning Commission Application Forms: PUD Application (Form 5) Use of Public Air Space (Form 7)	B
Zoning Maps and Real Estate Maps	C
Building Plat	D
Traffic Report	E
Estimated Quantities of Potable Water, Sanitary Sewage and Storm Water	F
Notice of Intent to File, Certificate of Service, and List of Property Owners within 200 Feet of Project	G
Letter to Jubilee Enterprise of Greater Washington Regarding Housing Linkage Amenity	H
Draft LBOC and DOES Agreements	I
Application to BLRA for Rental of Public Air Space	J
Zoning Commission Orders Approving Use of Public Air Space	K
Folio of Pei Cobb Freed & Partners Architects LLP	L

I.
INTRODUCTION

This statement and the attached documents support the application of Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture (the "Owners" or "Applicants") to the Zoning Commission of the District of Columbia ("Commission") for the consolidated review and one-step approval of a Planned Unit Development ("PUD"). The proposed PUD contemplates the construction of a new premier office building at the southwest corner of Connecticut Avenue and K Street, N.W., one of the most important and recognizable intersections in the city's commercial office corridor. The PUD process will allow the Applicant to provide a significant new commercial development to the city, which fulfills a specific objective for the Connecticut and K Street area of the Central Employment Area of downtown Washington, as set forth in subsections 1328.1 and 1356.1(b) and (d) of the Comprehensive Plan for Ward 2. The project site is located in the C-4 District.

The proposed PUD will not increase the existing density on the site. The two existing buildings on the site were constructed to a density of 11.55 floor area ratio ("FAR"), prior to the enactment of density restrictions under the Zoning Regulations. The new building will have a slightly lesser density of 11.14 FAR, which exceeds the matter of right density under the C-4 provisions, but is otherwise permitted under the PUD guidelines.

The Applicants are also submitting an application for the use of public air space to the Zoning Commission and the District's Building and Land Regulation Administration in order to build a portion of the PUD over the public alley to the rear of the site. Pursuant to the Public Space Utilization Act, the Applicants request the Commission to review the public space rental application in conjunction with the PUD application.

A. Project Summary.

The proposed development project contemplates the removal of two outdated office structures built during the 1950s to allow the construction of a first-class office building at the highly visible corner of Connecticut Avenue and K Street, N.W. A small portion of the new structure will project over the public alley to the rear of the property in order to permit the efficient functioning and circulation within the proposed building. The new office building will consist of approximately 373,135 square feet of gross floor area, including approximately 17,000 square feet for retail use. Approximately 2,244 square feet of the total gross floor area will be located over public space. The proposed PUD site consists of 33,485 square feet of land area, which is currently improved with the thirteen-story Commerce Building and the thirteen-story Riddell Building. The existing floor area ratio for the buildings, which were built prior to the 1958 Zoning Regulations, is 11.55. The floor area ratio of the proposed building is 11.14. The Generalized Land Use Map of the Comprehensive Plan designates the property in the high density commercial land use category.

The PUD is designed by Pei Cobb Freed & Partners, the award-winning architectural firm recognized world-wide for its innovation and design excellence. Pei Cobb Freed is associated on this project with the highly acclaimed local architectural firm of Weihe Design Group. The project is being developed by the Charles E. Smith Commercial Realty Companies., which have extensive experience in the development of real estate throughout the region.

B. The Applicant.

Bernard S. Gewirz, Edward H. Kaplan and Albert H. Small are the trustees of Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture. Together these

individuals and their associated companies bring over 100 years of collective experience and expertise in local Washington development to the PUD project.

II. **PROJECT DESCRIPTION**

A. Site Location and Description.

The proposed PUD site is located at Lots 851 and 56 in Square 126 and consists of 33,485 square feet of land area. The site is presently improved with two obsolete office structures. The property is situated in Ward 2 at the southwest corner of Connecticut Avenue and K Street, N.W., in the city's principle commercial office corridor. The site has significant street frontage of approximately 265 feet along K Street and approximately 120 feet along 17th Street, N.W. The site is located in the Connecticut and K Street area of the Central Employment Area under the Comprehensive Plan, which is characterized by high-density commercial structures.

The junction of Connecticut Avenue and K Street, N.W., marks the intersection of two highly visible and character-defining features of the city. K Street has emerged from the post-World War II era as one of the preeminent business addresses in Washington. Large-scale contemporary office buildings spanning the last three decades dominate this major thoroughfare and are instrumental in establishing the area as the heart of the region's commercial sector and one of the most prominent sites in the Central Employment Area. Connecticut Avenue is one of the major thoroughfares into the city from the Maryland suburbs and Ward 3. South of Dupont Circle, it is transformed from a residential, retail and hotel corridor into a high density commercial office and retail area. It meets K Street at Farragut Square, continues diagonally across the Park, and resumes on the opposite side. The flow of Connecticut Avenue's southbound traffic, however, feeds into 17th Street, which defines the western edge of the park.

Large office buildings with a predominant height of 130 feet are located to the east, west, north and south of the site. The two buildings adjacent to the site at 1750 and 1776 K Street consist of twelve stories at 130 feet in height. Across K Street to the north are the office buildings at 1000 Connecticut Avenue, N.W., and 1725 and 1775 K Street, N.W., all of which are constructed to a height of 130 feet. To the south of the site along 17th Street, N.W., the building height drops briefly to 110 feet at the Barr Building, 910 17th Street, N.W., but returns to a height of 130 feet at the Farragut Building at the corner of 17th and I Streets, N.W.

B. Existing Topography.

The grade of the subject property varies, rising slightly to the southwest, but otherwise is relatively flat.

C. Project Design.

The proposed PUD will serve as a new landmark for the Connecticut Avenue and K Street, N.W., commercial corridor, one of the most prominent focal points in the central employment district. The statement provided by James Ingo Freed, the design architect for the project, at the end of the architectural drawings booklet submitted separately as Exhibit A, provides a rich and detailed description of the design goals for the site. The new building reflects the careful consideration given to the intersection of commerce and public space at this highly visible corner. Located across from Farragut Square, one of the original public reservations on the L'Enfant Plan for the City of Washington, the 17th Street elevation of the proposed building has been articulated as a formal masonry façade in deference to its park frontage. It is composed of large, carefully proportioned windows framed by stone clad lintels and piers. The façade is a palette of lightly colored and subtly variegated granite, highly reflectively stainless steel clad

mullions, and untinted low reflectivity glass, that achieve a rich yet harmonic presence within the existing urban park fabric. The granite curtain wall is two feet deep, which adds shade and shadow to the façade. The masonry screen is converted to an architectural embellishment as it extends above the top floor, acting as open windows to the sky.

In contrast, the K Street façade will be treated with an animated composition of metal and glass to reflect the commercial vibrancy of the streetscape. The design consists of oversized floor to ceiling windows suspended within a cadence of articulated colonettes. The façade will consist of polished stainless steel window frames, textured stainless steel colonette and spandrel covers, and untinted low reflectivity glass. The expansive street wall is broken at the center by a vertical recessed bay, which is punctuated at the ground level by the main lobby entrance to the building. A dramatic glass and metal marquis crowns the entrance and cantilevers over the sidewalk. In order to reduce the height of the street wall, the window line of the twelfth floor is setback 5.5 feet from the primary façade below. The K Street roofline is finished with a bracketed steel tube housing canopies to provide festive elements to the commercial character of K Street and functional shading in the summertime.

The Applicant also proposes special storefront treatment at the ground level and landscaping elements along 17th and K Streets, which will dramatically enhance the aesthetic quality of the streetscape. The street level frontage along K Street is recessed five and one-half feet to create an open arcade effect that mirrors the setback at the roofline. (See drawing at pages A-10 and A-11 in Exhibit A.) The retail frontage is designed as boutique windows wrapped in broad "detached" frames of polished stainless steel. Approximately seventy percent of the overall frontage along 17th and K Streets is glass area. Entrance locations are flexible with entrance opportunities at all bays.

The recessed arcade along K Street expands the sidewalk width by forty percent. New dimension pavers will define the newly configured public space area beyond the building line. The number of trees will be increased from five to six at K Street, and from two to four at 17th Street. In order to evenly space the trees along K Street and to remediate the existing large gap of approximately 140 feet between trees at the western end of the site, the Applicants are proposing to remove the existing PEPCO vaults away from the curb to allow space for new planters. Sidewalk benches designed to match the new building will also be provided along both street frontages. Decorative trash receptacles will also be included in the streetscape elements.

Upon completion, the new building will enhance this corner of visual prominence with a design appropriate for its significant role as the focal point of the K Street commercial corridor. It will set a new standard for design in downtown Washington, restore and enhance an important commercial sector, and act as a beacon for suburban businesses to return to the District.

As noted above, the proposed PUD will not increase the existing density on the site. The Commerce and Riddell buildings were constructed prior to the enactment of density restrictions under the Zoning Regulations and together have a floor area ratio of approximately 11.55. The new building will only have a density of approximately 11.14 FAR, including the portion projecting over public space at the rear of the site. However, because matter of right zoning in the C-4 District only permits a maximum FAR of 10.0, the Applicants are proceeding under the PUD regulations.

D. Use of Public Air Space.

In order to achieve functional circulation in the building for floors four through twelve, the Applicants propose to project a small portion of the new building over the public alley at the rear of the site. Beginning at the third floor level, the floor plate will increase by 5.5 feet in a

small recessed area over the cul-de-sac of the north branch of the east-west alley. The expanded area will provide an additional 217.25 square feet of space on floors four through twelve. The floor plate will also increase slightly at the fourth floor over a small triangular piece of the alley, an area consisting of approximately 7.5 feet, to fill out the corner of the building at the southwest portion of the site, as shown on the site plan and drawings submitted separately as Exhibit A. The at-grade clearance will be approximately sixteen and one-half feet, which exceeds the minimum required clearance height of fifteen feet. The total gross floor area of the projections is 2,244 square feet, comprising a density of approximately 0.06 FAR.

The Public Space Utilization Act provides a unique opportunity to maximize the benefits of a PUD while at the same time generating rental income and additional tax revenue for the District. Under the procedures set forth in the Act, a letter of application has been submitted to the District's Building and Land Regulation Administration ("BLRA"), along with a proposed lease agreement, which will be circulated to various government agencies for comment. A copy of the BLRA Rental of Public Space Application is attached to this statement as Exhibit J. Upon receipt of the agency comments, BLRA will forward the application to the Commission for consideration. Both the PUD application and the Rental of Public Space application can be consolidated into one proceeding before the Commission for review and approval.

Under the Public Space Utilization Act, the Mayor may execute a lease of air space provided that:

The Zoning Commission...has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, offstreet parking and floor area ratios applicable to such structure, and easements of light, air, and access.

D.C. Code § 7-1034.

Under this provision in the law, the Zoning Commission applies the same standards in the Zoning Regulations that are applicable to the adjacent private property. Here, the Zoning Commission must evaluate the portion of the building located in public air space under the regulations and PUD guidelines for the C-4 District. As discussed in greater detail below, the proposed project, including the small portion located in public air space, is fully consistent with the PUD guidelines.

The Zoning Commission has considered the use of public air space in three other projects, only one of which was actually constructed. In 1977, the Commission approved the use of air space above and below a 15 foot east-west alley in Square 216 for a project constructed by The John Akridge Companies. The Commission found that "the building as proposed will meet all the requirements of the Zoning Regulations that would be applicable to the building if it were constructed entirely on private property." Z.C. Order No. 166 (Case No. 76-27), July 21, 1977, at 3. Similarly, the Commission approved the proposed "Luigi's Air Bridge" in Square 117, adjacent to Luigi's Restaurant on 19th Street, N.W., finding that the use was consistent with the C-3-C District regulations applicable to the abutting property. Z.C. Order No. 545 (Case No. 85-14), December 3, 1987, at 7. Lastly, in connection with an application for a PUD to be located in Square 285, the Commission found that the "proposed use of air space pursuant to the regulations which generally apply to the C-4 District, together with the regulations which apply to the specific sites, is reasonable." Z.C. Order Nos. 513-Q/644-A (Case Nos. 91-12M/85-3C/89-7C), May 11, 1992, at 12. Copies of these orders are attached as Exhibit K.

Once the Zoning Commission finds the use of public air space to be consistent with the regulations, the District may approve the rental of public air space provided that: (i) the use of air

space does not deprive other parties of light and air; and (ii) at least fifteen feet of clearance is provided in the affected alley. In accordance with these requirements, the small area of public space to be rented will not deprive other parties of light and air by virtue of the current alley configuration. The building will project only 5.5 feet into the northern alley cul-de-sac, which is surrounded on three sides by the Applicant's private property. The closest neighboring property is more than twenty feet away and fronts on a light well, which will be fully respected. The Owners will also maintain the existing five-foot perpetual light and air easement area established for the adjacent Barr Building. (See Site Survey at page C-1 of the architectural drawings submitted separately as Exhibit A.) The modest triangular piece to project over the alley at the corner of the building, consisting of only 7.5 square feet of land area, likewise will not impinge upon the light and air of adjacent properties. The extremely small size of this area and its location at the intersection of two interior alleys will continue to allow ample light and air to reach other parties. Moreover, the projection is above land owned by the Applicants but that was dedicated for alley purposes in 1953.

Consistent with the provisions of the Public Space Utilization Act, the Applicants will provide a minimum clearance height of fifteen feet between the grade level and the projection over public air space. As described below, the rental of public space will allow for the successful functioning of the building and will maximize the numerous benefits that this PUD offers to the city and thus is an appropriate use of public air space.

E. Matter of Right Development Under Existing Zoning.

The subject site is located in the C-4 District, which is designed for the downtown core that comprises the retail and office centers of the District of Columbia. The C-4 District permits a maximum height of 130 feet if the property abuts a street which is at least 110 feet wide, such as K Street. In addition, the C-4 District permits a maximum density of 10.0 FAR if a building can be constructed to a height in excess of 110 feet.

F. Matter of Right Development Under Proposed Zoning.

Under the PUD guidelines for the C-4 District, the FAR for the project may be increased to 11.0 FAR. Additionally, in order to allow for the successful functioning of the PUD project, the Zoning Commission may authorize an increase in FAR of up to five percent, or 11.55 FAR. The proposed PUD contemplates a density of 11.14 FAR. The total gross floor area of the building located on private property yields an FAR of 11.08; the portion of the building projecting over public space yields an additional 0.06 FAR. This density is well below the total FAR of the Commerce and Riddell buildings, which together have a density of approximately 11.55 FAR.

G. Tabulation of Development Data.

	C-4 Matter of Right	C-4 PUD Guidelines	With 5% Flexibility	Project
Minimum Area	----	15,000 s.f.	N/A	33,485 s.f.
Square Footage	334,850 (maximum)	368,335 s.f.	386,751 s.f.	373,135 s.f. (public and private space)
TOTAL FAR	10.0	11.0	11.55	11.08 private 00.06 public
Height	130 ft (on 110 feet wide streets)	130 feet	130 ft.	130 feet
Lot Occupancy	100%	100%	100%	99%
Parking	_____	155 spaces	155 spaces	225-236 spaces

H. Flexibility Under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. The Applicant is seeking such flexibility in the application of the roof structure setback requirements under sections 777 and 411 of the Zoning Regulations. The penthouse of the new structure, constructed to a maximum height of 18.5 feet, will provide ample set-backs of over thirty-five feet at K Street and over fifty feet at 17th Street in deference to the building's public street frontages. This is approximately twice the required set back distance of 18.5 feet from the building line. However, the penthouse will only be set back nine feet, four inches, at the rear cul-de-sac alley elevation. It is necessary to locate the penthouse this distance from the rear building line in order to provide the most efficient interior elevator core and layout of space, while respecting the building height and sight lines along 17th and K Streets. By virtue of the public cul-de-sac alley at the rear of the site, however,

there is a substantial set back of over 30 feet from the adjoining property, which meets the spirit and intent of the regulations.

The Owners also seek flexibility from the rear yard provisions for buildings in the C-4 District. Under section 774.9(c) of the Zoning Regulations, a court may be provided in lieu of a rear yard for corner lots, such as the PUD site. Based on the formula set forth in section 776, a court must have a minimum width of three inches for every foot of vertical height at the court area. Here, however, in order to allow for the successful functioning of the PUD, the Applicants will not be able to meet this requirement and no court will be provided. Instead, the Applicants have designed the building with a ground floor setback of five feet at K Street to widen the sidewalk and enhance the pedestrian streetscape along the public frontages. The twelfth floor is similarly setback to mirror the streetscape treatment. Additionally, a vertical recessed bay at the K Street elevation of the new building, centered above the lobby entrance, provides a visual break in the street façade. As a result of these design features at the public frontages of the building, the Applicants are unable to provide a court in lieu of rear yard at the service elevation of the new structure. The spirit of the regulations is nevertheless met by the light and air provided by the rear alley area, as shown on the site plans submitted separately as part of Exhibit A.

III.
THE PUD PROCESS IS THE APPROPRIATE
MECHANISM FOR THIS PROJECT

A. Benefits of the PUD Process.

The PUD process is the appropriate mechanism for guiding the redevelopment of the project site. It allows the Applicants to replace the existing outmoded buildings with a superior building of approximately equal size, which is not otherwise possible as a matter of right in the

C-4 District. The existing buildings, which were constructed prior to the creation of density restriction in the Zoning Regulations, have a floor area ratio of 11.55. The proposed building will have a density of 11.14 FAR, as permitted under the PUD regulations. The PUD process will enable the Applicant to maintain a building envelope of the same size, which defines this important intersection. In return for this flexibility of development, the Applicants will provide exceptional project amenities and public benefits to the community and the District as a whole, as outlined below, that would not otherwise be generated.

B. Goals and Objectives of the Proposed PUD.

The proposed PUD is designed to achieve several important goals and objectives of the city. First, it will upgrade and enhance the visual appearance of the site of two obsolete office buildings, thereby making a significant architectural contribution to the aging K Street corridor and enhancing a significant commercial corridor. It will also provide desperately needed affordable housing to the city by joining efforts with a non-profit housing provider. Additionally, the Applicant has entered into discussions with the U.S. National Park Service in order to assist them in the refurbishment of Farragut Square.

The project has been sensitively designed to complement the surrounding high density commercial office buildings along K Street, one of the most prominent commercial corridors in the city. The project responds to the site's location at one of the most significant intersections in the City where two particularly wide and important streets, Connecticut Avenue and K Streets, converge. Under the proposed PUD, the height of the new building will match the 130-foot height of other large commercial office structures on the north and south sides of K Street and along Connecticut Avenue, and the overwhelming majority of buildings lining K Street from Mount Vernon Square to Washington Circle. The highly sensitive architectural treatment of the

building will enable the project to successfully blend in with its surroundings and help complete the urban character of K Street.

C. Benefits of the Project.

The PUD will allow the Applicants to achieve a density for the new building consistent with the surrounding area and the high density land use designation of the Comprehensive Plan's Land Use Map. In return for the zoning flexibility provided under the PUD process, the Applicants will provide four important amenities and benefits to the City and to the community. First, the Applicants have commissioned an exceptional architectural design for the new building that will significantly enhance and enrich the streetscape and revitalize the aging character of this highly visible corner of the Connecticut and K Street corridor. The design includes high quality finishes and public space improvements that cost approximately fifteen to twenty percent more than what is typically expended at other downtown office building sites. Second, the Applicants, through their relationship with Jubilee Enterprise of Greater Washington, will add at least 13,000 square feet of affordable housing to the residential market in a southeast Washington Housing Opportunity Area, in accordance with subsection 2404.6(a)(2) of the Zoning Regulations. Third, the Applicants will make significant improvements to Farragut Square in consultation with the National Park Service. Finally, the Applicants will execute a First Source Employment Agreement with the Department of Employment Services and a Memorandum of Understanding with the Local Business Opportunity Commission in an effort to ensure equitable employment and contracting opportunities for D.C. residents and small and disadvantaged business enterprises.

IV.
THE PROPOSED PROJECT MEETS THE
STANDARDS OF THE PUD REGULATIONS

A. PUD Requirements Under the D.C. Zoning Regulations.

The proposed development has been evaluated relative to the PUD standards of Chapter 24 of the Zoning Regulations and the PUD guidelines of the C-4 District. The site area is approximately 33,485 square feet in size, which exceeds the minimum area requirements of 15,000 square feet for a PUD in the C-4 District. The project will achieve a height of 130 feet, as permitted for buildings fronting on streets that are at least 110 feet wide and the PUD guidelines for the C-4 District. The breadth of K Street at this location also allows the PUD to achieve a maximum density of 11.0 FAR, which may be increased by five percent pursuant to section 2405.2 of the Zoning Regulations. The Applicants propose an increase in density of 1.3%, or a total FAR of 11.14. The modest increase is essential to the successful functioning of the project and will allow the Owners to replace the existing structures, which have a combined FAR of 11.55, with one of slightly lesser density. The Applicants propose to construct the new building to an overall density of 11.14 FAR, 0.06 of which is achieved through the projections over public space at the rear of the site.

B. Public Benefits and Project Amenities.

The PUD guidelines define public benefits as “superior features of a proposed planned unit development that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely occur under the matter of right provisions” 11 DCMR 2403.6. A project amenity is further defined as “one type of public benefit, specifically a functional or aesthetic feature of the proposed development, that adds to the attractiveness,

convenience or comfort of the project for occupants and immediate neighbors.” 11 DCMR 2403.7.

The flexibility requested in the instant PUD application will achieve the goals of the PUD process by providing high quality commercial development at the subject site with significant public benefits to the neighborhood and the city as a whole. The project’s exceptional architectural design, its contribution to housing, and special value to the neighborhood are the exact types of public benefits the PUD process was designed to encourage in the District of Columbia, as set forth under section 2403.9 of the Zoning Regulations. By allowing the Applicant greater flexibility in the floor area ratio than would be possible under matter-of-right zoning, the proposed PUD will provide the following superior public benefits and amenities for the city.

1. Urban Design and Architecture.

The proposed new building has been sensitively designed to complement the surrounding large-scale commercial buildings while at the same time respect its special public frontage across from Farragut Square. The existing Commerce and Riddell buildings reflect the prevailing design principles of the post-World War II era. Their appearances, however, are now dated, and their mechanical and programmatic systems obsolete, producing a out-dated image at a high profile location. The innovative architectural treatment of the new building is designed to reverse this downward trend and restore the corner to a prominent focal point. The architects for the project have produced an exceptional design that reinforces the broad and lively elements of the K Street commercial corridor while also creating a rich, boundary-defining urban wall for the public space of Farragut Square. The building has been designed with references to the Farragut Building at 17th and I Streets, N.W., so that the two buildings act as bookends to the

architecturally significant Barr Building, the Gothic Revival structure in the middle of the 17th Street block. The architectural embellishments at the roofline also provide a dramatic new skyline to Connecticut and K Street corridor, with the bracketed steel "brise-soliel" along K Street and the extended granite wall that introduces windows to the sky. The PUD will provide high quality, superior design features to reinforce the visual identity of the Central Employment Area.

2. Housing.

Under subsection 2403.9(c) of the Zoning Regulations, the PUD guidelines specifically state that the production of housing is a public benefit that the PUD process is designed to encourage. In furtherance of this important goal, the proposed PUD project will make a contribution to an affordable housing provider for the rehabilitation of low- and moderate-income units in the city. Because the housing amenity for this PUD will be located off-site, the amount of affordable housing provided must comply with the housing linkage requirements of section 2404 of the PUD regulations. Under that section, the amount of off-site affordable housing provided must be commensurate with any increase in the amount of gross floor area devoted to office space achieved as a result of the PUD.

Through the PUD process and the rental of public air space, the Owners will achieve 38,285 more square feet of gross floor area devoted to office space than is otherwise permitted as a matter of right in the C-4 District. Based on the formulas set forth in section 2406.6(a), the Owners are required to provide approximately 12,635 square feet of housing within the ANC boundaries or in a Housing Opportunity Area, or 19,143 square feet of housing outside these areas.

The Applicant has agreed to work with the Jubilee Enterprise of Greater Washington, Inc. ("Jubilee"), a non-profit housing provider, to facilitate the rehabilitation of at least 13,000 square feet of space for residential units at Trenton Park Apartments in Ward 8. Trenton Parks is an existing garden apartment complex plagued over the years by substandard conditions, crime and poverty. Since the mid-1990s, Jubilee and the Trenton Park Neighborhood Corporation have been working to rehabilitate and renovate the twenty-five buildings that comprise the complex. With the Applicants' financial assistance, a minimum of 13,000 square feet of space, representing approximately 20 units, will be rehabilitated and returned to the low-income housing rental market. This contribution represents the fulfillment of an important housing goal of the city.

3. Special Value to the Neighborhood.

The Owners have entered discussions with the National Capital Region of the U.S. National Park Service to refurbish Farragut Square in order to enhance the appearance and enjoyment of this important urban park. The Park Service is currently preparing a list of areas needing improvement that will form the basis for specific projects, jointly developed by the Owners, that can be implemented with the Owners' assistance. This renovation program targets an identified need of special value to the neighborhood that also constitutes an important amenity of the PUD project.

4. Revenue for the District.

The provision of additional commercial office space and below grade parking will generate additional tax revenue for the District. Employment, sales and other revenue sources will further add to the District's income.

5. Local Business Opportunities.

The Applicant will enter into a Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 50 percent participation by small, local and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security for the project to be created as a result of the PUD project. This memorandum, a draft of which is attached as Exhibit I, contributes significantly to the District of Columbia goal of ensuring adequate opportunities for small and local businesses to participate in development projects throughout the city.

6. First Source Employment Opportunities.

Likewise, in furtherance of Mayor's Order No. 83-265 and D.C. Law 5-93, the Applicant will work with the Department of Employment Services (DOES) to execute a First Source Employment Agreement in order to achieve the goal of utilizing District of Columbia residents for at least fifty-one percent of the jobs created by the PUD project. The Applicant will use DOES as its first source for recruitment, referral and placement of new hires for employees whose jobs are created by the PUD. A draft of the agreement is attached as part of Exhibit I.

V.

COMPLIANCE WITH D.C. COMPREHENSIVE PLAN

The provision of additional commercial office space fulfills a specific objective for the Connecticut and K Street area of the Central Employment Area of downtown Washington, as set forth in Subsection 1327.1 and 1337.1(b) and (d) of the Comprehensive Plan for Ward 2. Those subsections recognize the need for high quality office space to help the city compete with suburban Maryland and Virginia locations.

The housing objectives for Ward 2 under the Comprehensive Plan also call for the development of low and moderate income housing in areas targeted for housing development. 10 DCMR 1304.1(a). The Applicant will meet this objective by working with Jubilee Enterprise of Greater Washington to rehabilitate residential units as described above.

The proposed PUD is consistent with and, in fact, fosters the goals and policies stated in the elements of the District of Columbia Comprehensive Plan, D.C. Law 5-76, 10 DCMR (Planning and Development) § 100 et seq. (1984), particularly those within the Land Use Element.

The purposes of the District of Columbia Comprehensive Plan Act are to:

(1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions and matters affecting the District and its citizens; (3) Promote economic growth in jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation stabilization and improvement of each neighborhood and community in the District.

D.C. Code §1-245(b) (1994 Supp).

The proposed project significantly advances these purposes by promoting the social and economic development of District residents through the provision of quality commercial office development, achieving the community goal of adequate parking, promoting economic growth for the District and its residents, increasing employment opportunities in the District, maintaining the architectural assets of the District, and stabilizing and improving the Connecticut and K Street vicinity.

A. Compliance with Major Themes.

Among the major themes advanced under the Comprehensive Plan (“Plan”) is the goal of respecting and improving the physical character of the District. The Applicants’ proposal is

consistent with this theme through the development of an exceptional design that will significantly enhance the prominence of the Connecticut Avenue and K Street commercial area and improve the appearance of the vicinity as a whole. The renovation and addition will match the height and massing of surrounding buildings while at the same time introduce an innovative architectural treatment to the streetscape.

B. Compliance with Major Elements.

The Comprehensive Plan contains eleven major elements. The proposed project furthers the objectives and policies of several of these elements as follows:

1. Housing Element.

It is the goal of the District to “encourage the private sector to provide new housing to meet the needs of present and future residents” 10 DCMR § 301.3 (a).

The Applicant will provide for the construction of affordable housing by working with Jubilee Enterprise of Greater Washington to meet the needs of present and future District residents.

2. Environmental Protection Element.

It is the goal of the District to “protect the environment, to resist threats to its overall quality, and to act to maintain and enhance its positive features in the interest of residents, workers and visitors....” 10 DCMR § 401.1.

The Applicant will comply with all the applicable rules and regulations of the District to promote energy conservation, improve air quality and protect the natural environment.

3. Transportation Element.

It is the goal of the District to “[p]romote the increased use of mass transit, in the District and the region.” 10 DCMR § 503.2(c).

Development of the project at the present site, within close proximity to the Farragut North and Farragut West Metrorail Stations and numerous Metrobus routes, will promote and stimulate the use of existing mass transit service. Additionally, the creation of 225 to 236 new parking spaces on a site that does not currently provide parking will also greatly reduce parking shortages in the downtown area. The proposed new building generates a parking requirement of 155 spaces. The Applicant will exceed this requirement and provide a minimum of 225 spaces. Based on the traffic report, attached as Exhibit E, the provision of 225 spaces will address not only the parking needs associated with the new building, but will also help offset the demand associated with the surrounding buildings. The Applicants request flexibility to provide a range of 225 to 236 spaces. The exact number will depend upon existing building conditions and tenant issues.

4. Urban Design Element.

It is the goal of the District to “preserve and enhance the outstanding physical qualities of the District neighborhoods.” 10 DCMR 702.1(b).

The proposed PUD will enhance the large-scale commercial quality of the Connecticut and K Street segment of the Central Employment Area through superior design elements that respect the special character of this prominent commercial corridor.

It is the goal of the District to “encourage new development within areas of strong architectural character to contribute to the physical identity and character of the area.” 10 DCMR 710.2(d).

The proposed project will provide a distinguished design that provides a rich and vibrant texture to this prominent corner and enhances the vibrancy of the K Street commercial corridor.

5. Land Use Element.

It is the goal of the District to "promote appropriate commercial development, including centers for retail and office uses, to serve the needs of the economy of the District and its neighborhoods...." 10 DCMR §1108.1(a).

The proposed project responds to this goal by providing a high density commercial office structure of superior design that will foster the continued growth of the District's economy and employment base and serve as a landmark to this focal point for commercial Downtown.

6. Generalized Land Use Maps.

The Comprehensive Plan Generalized Land Use Maps depict the project site as located in a high density commercial land use category. The proposed PUD is consistent with the Generalized Land Use Maps.

7. Ward 2 Element.

The Ward 2 Element encourages construction of additional office space in the Connecticut and K Streets segment and other areas of the Central Employment Area to compete with suburban Maryland and Virginia locations. The proposed PUD is consistent with this Ward 2 Plan goal.

C. Conformance with the Public Space Utilization Act

As noted above, the Zoning Commission may approve the use of public air space upon finding that the project is consistent with the provisions of the Zoning Regulations applicable to

the abutting private property. The small portion of the building that will project into public space is consistent with the PUD guidelines for the C-4 District in terms of height, density, off-street parking, access, light and air. The small projections over public space are in areas of the alley that only serve the Owners' property and will not impinge on the light and air of other adjacent owners. The rental of public space will allow for the successful functioning of the building and will maximize the numerous benefits that this PUD offers to the city and thus is an appropriate use of public air space.

VI. AREAS OF FLEXIBILITY

The Applicant has made every effort to provide a level of detail that conveys the architectural significance of the proposed project and does not require flexibility to make changes that will diminish its significance. Nonetheless, some flexibility is necessary to address the needs of future tenants and other issues that cannot be anticipated at this time.

The Applicant requests flexibility in the following areas:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
2. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and
3. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the D.C. Building Code or that are otherwise necessary to obtain a final building permit.

VII. CONCLUSION

For the foregoing reasons, Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture submit that the PUD plan meets the standards of Chapter 24 (Article 75) of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations

and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD; provides significant public benefits; advances important goals and policies of the District of Columbia and, therefore, should be opted by the Zoning Commission.


It is appropriate to use the flexibility afforded by the PUD process to approve this proposed development plan. The scale, density and use of the project are compatible with uses intended for the Connecticut and K Street segment of the Central Employment Area, and falls within the acceptable standards permitted under the PUD guidelines. Accordingly, the Applicants requests the Zoning Commission to approve the PUD plan.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Wayne S. Quinn, Esq.


Mary Carolyn Brown, Esq.


Steven E. Sher, Director of Land Use and
Zoning Services

April 16, 2001

WAS1 #934955 v1

A

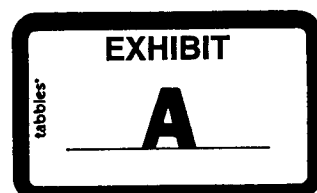
Architectural Plans and Drawings, including:

Detailed Landscaping and Grading Plan

Circulation Plan

Tabulation of Development Data

Submitted Separately



B

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

APPLICATION FOR CONSOLIDATED APPROVAL OF A PLANNED UNIT DEVELOPMENT

Before filling out this form, please see the instructions on the reverse side. Print or type all information unless otherwise indicated.

In accordance with the provisions of Chapter 24 of the Zoning Regulations, request is hereby made for consolidated approval of a Planned Unit Development, details of which are as follows:

<u>Square No.</u>	<u>Lot Nos.</u>	<u>Existing Zoning</u>	<u>Requested Zoning</u>
<u>126</u>	<u>56 and 851</u>	<u>C-4</u>	<u>no change</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Address or description of the premises: 1700-1730 K Street, N.W.

Area of the Site: 33,485 square feet or acres

Baist Atlas No. 1, Page 15.

Brief description of the proposal: construct a new twelve-story commercial office building with ground floor retail

Concurrent change of zoning requested (check one): Yes No

The above information and attached documents are true to the best of my knowledge.

[Signature]
Owner's Signature

4-11-01
Date

Edward H. Kaplan
Owner's Printed Name

For Commerce Building Associates, a Joint Venture, and Riddell Building Associates

Person to be notified of all actions:

Whayne S. Quin, Esq., Holland & Knight LLP
Name

(202) 955-3000
Telephone Number

2099 Pennsylvania Ave., N.W., Suite 100, Washington, D.C. 20006
Address Zip Code

Certification of Minimum Area: I hereby certify that the land area involved in this application is a minimum of 15,000 s.f. pursuant to Section 2401 of the Zoning Regulations.

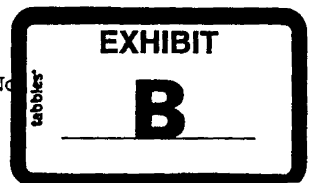
[Signature]
Owner's Signature

DO NOT WRITE BELOW THIS LINE

Date Received:

Date Accepted: _____

Z.C. Case No _____



INSTRUCTIONS

Any request for one-step (consolidated) approval of a planned unit development (PUD) that is not completed in accordance with the following instructions cannot be accepted. Applications shall be filed in the Office of Zoning, Suite 210, 441 Fourth Street, N.W., Washington, D.C. 20001. Applications will be received between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Applications will not be accepted until they have been reviewed by the Secretary to the Zoning Commission, to insure that they are complete. Applicants will be notified by mail when their applications are accepted.

A completed application shall consist of the following:

1. The original of Zoning Commission Form No. 5, properly completed and signed by the owners of all property involved in the application. (Where more than one ownership is involved, use a separate copy of Form #5 for each ownership). In addition to the original form, submit twenty (20) copies.
2. Twenty (20) copies of a statement clearly setting forth the reasons for the requested consolidated PUD. Additional information, exhibits, or photographs may be attached, if desired, provided they are no larger than this form.
3. Copies of a key map (photocopy of the Zoning Map on 8 1/2" x 11" paper), showing the subject property outlined in red and the zoning of the surrounding area. Appropriate maps are available in the Office of Zoning.
4. A certified plat of survey of the subject property prepared by the D.C. Office of the Surveyor.
5. Twenty copies of a plat plan drawn at a scale of 80 feet to the inch. It shall be drawn to show all current lot lines for the square within which the subject property lies and drawn to show all boundary lines of each square for a one-square radius around the subject square. All street names and square and lot numbers shall be indicated. The source of reference shall be indicated and a bar scale must be drawn.
6. Non-refundable filing fee of \$500.00 (make check or money order payable to the D.C. Treasurer; no cash).
7. Compliance with the requirements of Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Architectural drawings should include one full-size set and twenty (20) reduced sets.

All applications that are accepted for filing will be processed in accordance with Chapter 30 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning (Rules of Practice and Procedure before the Zoning Commission for the District of Columbia).

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

APPLICATION FOR APPROVAL OF USE OF AIR SPACE

Before filling out this form, please see the instructions on the reverse side. Print or type all information unless otherwise indicated.

In accordance with the provisions of the District of Columbia Public Space Utilization Act of 1968 (D.C. Code, 7-1031, et seq., 1981), request is hereby made to determine the use to be permitted and to establish regulations applicable to the use of such airspace, details of which are as follows:

<u>Square Nos.</u>	<u>Lot Nos.</u>	<u>Existing Zoning</u>	<u>Description of Public Space</u>
<u>126</u>	<u>56 and 851</u>	<u>C-4</u>	<u>Interior public alley</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Address or description of the premises: 1700-1730 K Street, N.W.

Private property area: 33,485 s.f. Public property area: 222.75 s.f.

Baist Atlas No. 1, Page 15.

The above information and attached documents are true to the best of my knowledge.


Applicant's Signature

4-11-01
Date

Edward H. Kaplan
Applicant's Printed Name

For Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture

Person to be notified of all actions:

Whayne, S. Quin, Esq., Holland & Knight LLP
Name

(202) 955-3000
Telephone Number

2099 Pennsylvania Ave., N.W., Suite 100, Washington, D.C. 20006
Address Zip Code

DO NOT WRITE BELOW THIS LINE

Date Received: _____

Date Accepted: _____

Z.C. Case No. _____

INSTRUCTIONS

Any request for an approval for the use of airspace that is not completed in accordance with the following instructions cannot be accepted. Applications shall be filed in the Office of Zoning, Suite 210, 441 Fourth Street, N.W., Washington, D.C. 20001. Applications will be received between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Applications will not be accepted until they have been reviewed by the Secretary to the Zoning Commission, to insure that they are complete. Applicants will be notified by mail when their applications are accepted.

A completed application shall consist of the following:

1. The original of Zoning Commission Form No. 7, properly completed and signed by the owners of all property involved in the application. (Where more than one ownership is involved, use a separate copy of Form #5 for each ownership). In addition to the original form, submit twenty (20) copies.
2. Twenty (20) copies of a statement clearly setting forth the reasons for the requested use of airspace. Additional information, exhibits, or photographs may be attached, if desired, provided they are no larger than this form.
3. Copies of a key map (photocopy of the Zoning Map on 8 1/2" x 11" paper), showing the subject property outlined in red and the zoning of the surrounding area. Appropriate maps are available in the Office of Zoning.
4. A certified plat of survey of the subject property prepared by the D.C. Office of the Surveyor.
5. Twenty copies of a plat plan drawn at a scale of 80 feet to the inch. It shall be drawn to show all current lot lines for the square within which the subject property lies and drawn to show all boundary lines of each square for a one-square radius around the subject square. All street names and square and lot numbers shall be indicated. The source of reference shall be indicated and a bar scale must be drawn.
6. Non-refundable filing fee of \$500.00 (make check or money order payable to the D.C. Treasurer; no cash).
7. Compliance with the requirements of Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Architectural drawings should include one full-size set and twenty (20) reduced sets.

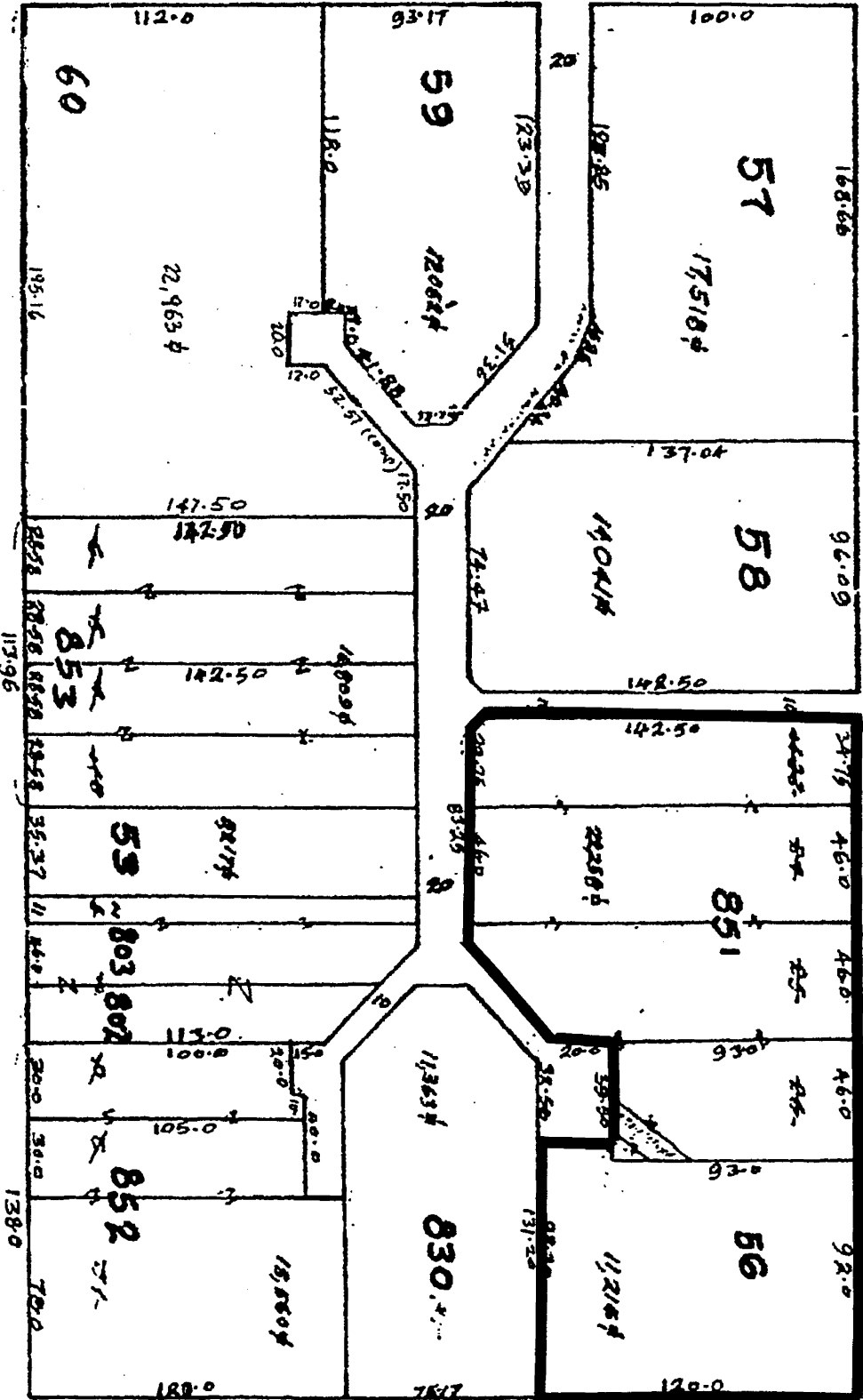
All applications that are accepted for filing will be processed in accordance with Chapter 30 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning (Rules of Practice and Procedure before the Zoning Commission for the District of Columbia).

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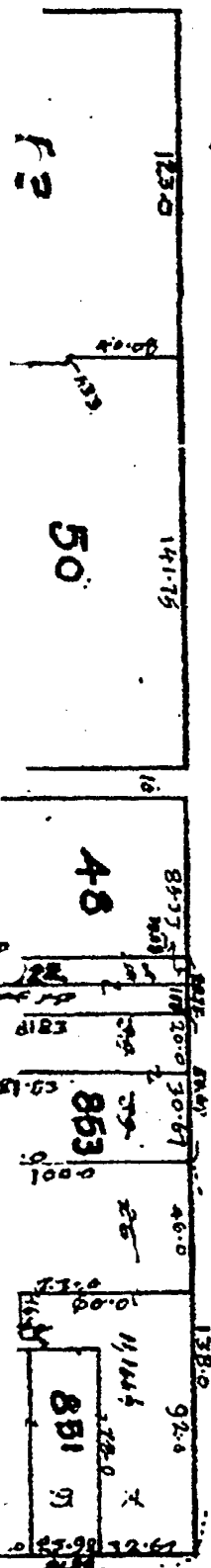


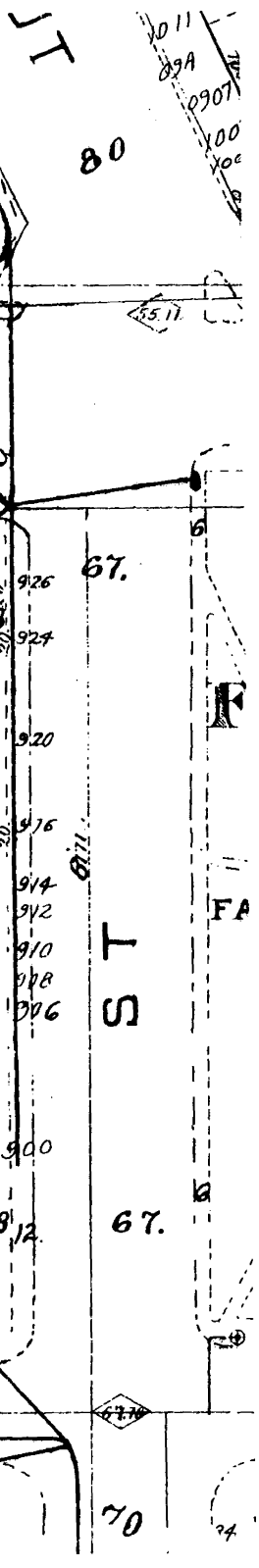
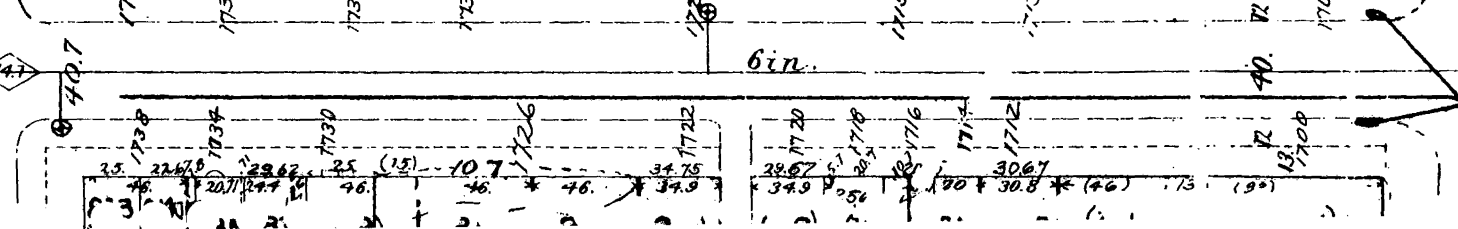
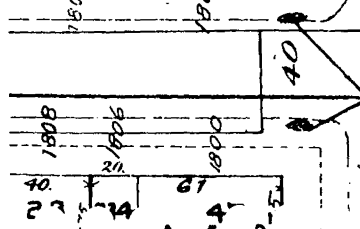
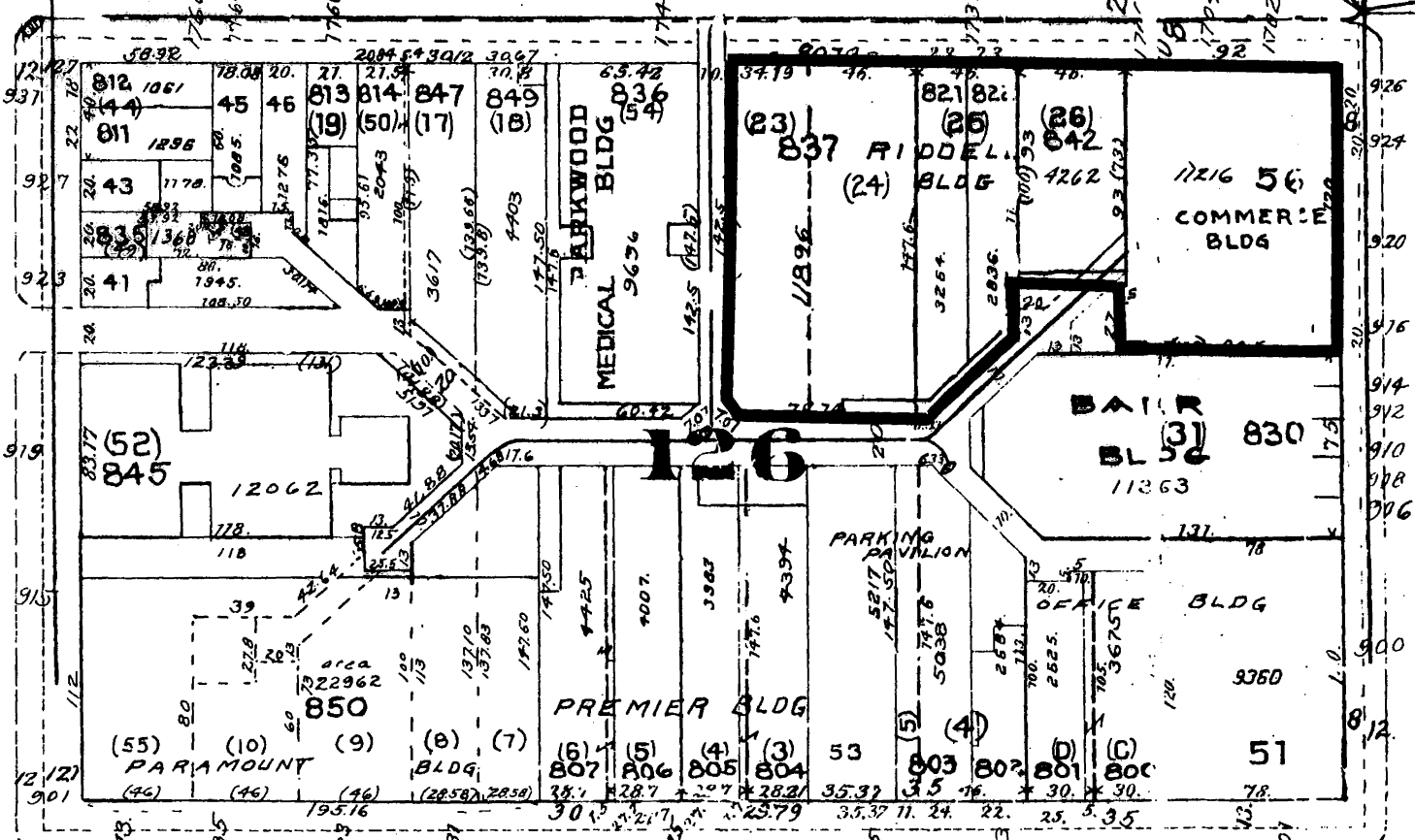
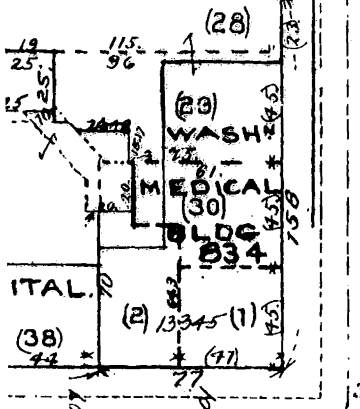
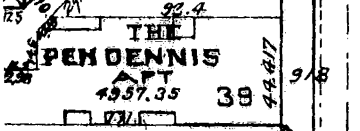
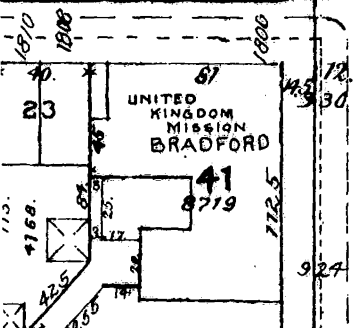
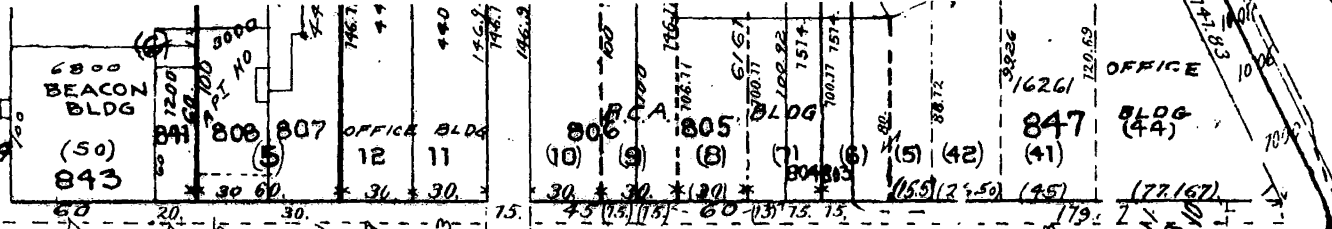
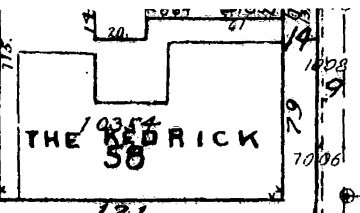
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EXHIBIT
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D

E

1700-1730 K Street Traffic Impact Analysis

Prepared For

**Charles E. Smith Realty Companies
Arlington, VA**



Prepared by

Gorove/Slade Associates, Inc.
1140 Connecticut Avenue NW
Suite 700
Washington, D.C. 20036
202-296-8625

April 12, 2001



TABLE OF CONTENTS

	Page
List of Figures	ii
List of Tables	ii
EXECUTIVE SUMMARY	1
INTRODUCTION	2
EXISTING CONDITIONS	4
Existing Roadway Network	4
Existing Traffic Volumes	4
Existing Conditions Capacity Analysis	7
FUTURE CONDITIONS WITH DEVELOPMENT	7
Site Access	7
Transportation Characteristics and Traffic Generation	7
Directional Distribution of Employees	8
Loading Dock Access	13
Parking Garage Layout and Circulation	13
CONCLUSIONS	15

LIST OF FIGURES

	Page
Figure 1 Regional Map	3
Figure 2 Traffic Control and Flow Patterns	5
Figure 3 Existing Peak Hour Volumes	6
Figure 4 Parking Facility Locations	9
Figure 5 Affects of Proposed Parking Garage on Traffic Flow Inbound	11
Figure 6 Affects of Proposed Parking Garage on Traffic Flow Outbound	12
Figure 7 Single Unit 30' Truck Maneuverability	14

LIST OF TABLES

	Page
Table 1 Existing Levels of Service	7
Table 2 Affects of Proposed Garage on Traffic Flow	10

EXECUTIVE SUMMARY

This report contains the findings of a traffic impact study conducted for the redevelopment of the building located on the southwest corner of the intersection of K Street and 17th Street in northwest D.C. The redevelopment plan calls for a building of approximately the same size and with the same mix of uses as the existing building with the addition of a parking garage with approximately 225-spaces.

The site is bounded by K Street to the north, 17th Street to the east and offices to the south and west. Access to the underground parking garage will be on the eastbound K Street service road, west of 17th Street adjacent to the existing 10-foot alley. Two intersections, the intersection of K Street and 18th Street and the intersection of K Street and 17th Street were identified for inclusion in the study area.

This report supports the following major conclusions:

1. The proposed development will have a negligible impact on traffic operations within the study area.
2. By visual observation, the study area intersections (K Street with 17th and 18th Streets) operate with delay and constrained capacity due to congestion at adjacent intersections.
3. Based on the data presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, the recognized industry reference manual for traffic generation, the fact that the existing and proposed buildings are approximately the same size will result in the same traffic generation for the buildings before and after development.
4. The proposed parking garage will slightly increase capacity in the area and will cause a shift in preferred parking locations for building tenants which will result in traffic pattern changes but will not significantly impact the surrounding road network.
5. The effect of the traffic pattern changes at the intersection of K Street and 18th Street will be negligible since only the northbound right-turn traffic volume will be affected, which is the least congested movement on 18th Street.
6. The effect of the traffic pattern changes at the intersection of K Street and 17th Street will result in a noticeable increase in right turns from the eastbound service road onto 17th Street
7. Access to the loading dock can be accommodated by a 30-foot single-unit truck in one maneuver from the eastbound K Street service road onto the 15-foot alley as well as from the alley to the loading docks. The design vehicle can maneuver into the loading docks without encroaching on the public access right-of-way line.

INTRODUCTION

This report contains the findings of a traffic impact study conducted for the proposed development at 1700-1730 K Street, NW in Washington, D.C. This report evaluates the effects of demolishing the existing office buildings and constructing a new office building with an underground parking garage. The proposed building will house the same amount of office and ground-floor retail space as the current building.

The site is bounded by K Street to the north, 17th Street to the east and other developments, predominantly office, to the south and west. The site location and regional roadway network are shown in Figure 1.

The following tasks were performed as a part of this study:

- A scoping meeting was held with the traffic services division staff of the D.C. Department of Public Works (DPW) to discuss the study scope;
- Field reconnaissance in the vicinity of the project site was conducted to collect information related to existing traffic controls, roadway geometry and operational characteristics;
- Traffic counts were conducted on January 16, 2001 during the morning and afternoon peak periods at the intersections of K Street/17th Street and K Street/18th Street. In addition, traffic spot counts were performed on the eastbound service road of K Street. These spot counts included the parking garage immediately adjacent to the site as well as the curb cuts in the median between the K Street mainline and the K Street service road;
- Parking garages surrounding the proposed development were identified;
- The potential routes used by employees to access the site were identified and compared with probable existing routes;
- Intersection capacity analyses were performed for existing, future background (2002) and total future (2002) peak hour traffic conditions at the intersections contained within the study area;
- Truck access to the loading dock area was evaluated; and
- Parking garage layout and circulation were evaluated.

Sources of data for this study include the D.C. Department of Public Works, Charles E. Smith and the field reconnaissance efforts of Gorove/Slade Associates.



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DATE LAST MODIFIED: 03/06/01

Figure 1
Regional Map

EXISTING CONDITIONS

Existing Roadway Network

K Street K Street is a major east-west roadway extending from the Whitehurst Freeway and Water Street in Georgetown to Florida Avenue. In the vicinity of the site, K Street is a four-lane roadway with service roads on either side. The service roads accommodate one lane of parking and one travel lane. The westbound service road extends through the intersection of 17th Street and past the intersection of 18th Street. At the 17th Street approach, the westbound service road allows only right turn movements onto northbound Connecticut Avenue. The eastbound service road extends through the intersection of 18th Street to the 17th Street approach. At 17th Street, the service road allows only right turn movements onto southbound 17th Street. The continuity of the eastbound service road is interrupted by Farragut Park. There are no turning lanes at either 17th Street or 18th Street. Left turns are prohibited during the peak hours on all approaches and right turns are prohibited from the K Street mainline onto 17th and 18th Streets during all times. Both intersections are signalized.

17th Street/Connecticut Avenue Connecticut Avenue/17th Street is a major corridor through the D.C. area and extends south from Georgia Avenue in Montgomery County to Independence Avenue in D.C. Connecticut Avenue becomes 17th Street at K Street. In the vicinity of the site, Connecticut Avenue/17th Street operates as a six-lane roadway without turn lanes during the peak hours. During the non-peak hours, there is metered parking available on both sides of the street.

18th Street 18th Street extends north from Constitution Avenue to Columbia Road in Adams Morgan. In the vicinity of the site, it operates as a four-lane northbound only roadway during the peak hours and a two-lane roadway during the non-peak hours with parking lanes on both sides.

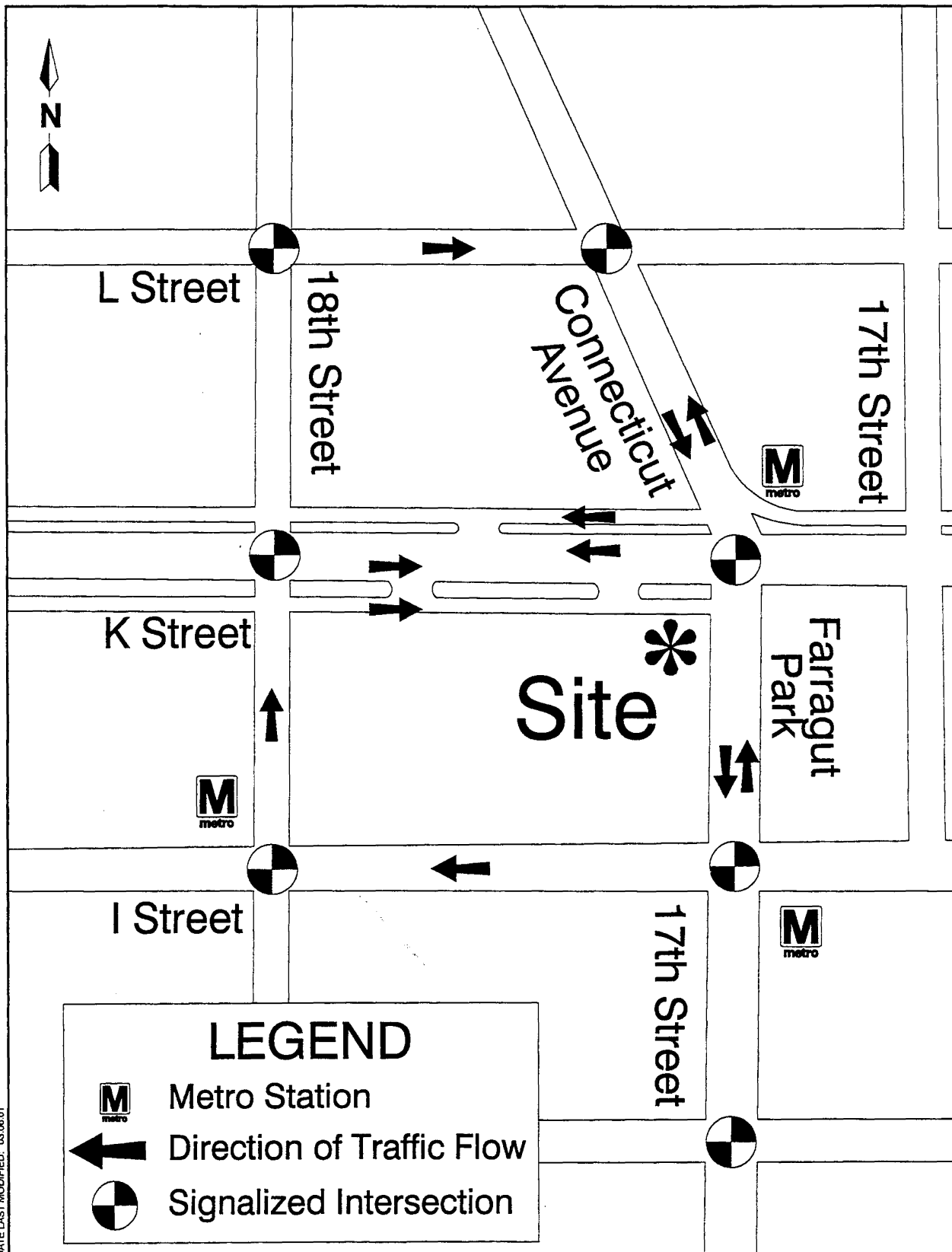
I Street I Street extends east from Pennsylvania Avenue to New York Avenue. In the vicinity of the site, it operates as a four lane westbound only roadway during the peak hours and a two-lane roadway during the non-peak hours with parking lanes on both sides.

Figure 2 illustrates the traffic control and flow patterns.

Existing Traffic Volumes

In order to determine the peak hour turning movement traffic volumes, traffic counts were performed on Tuesday January 16, 2001 from 7:30 a.m. to 9:30 a.m. and from 4:30 p.m. to 6:30 p.m. The existing traffic volumes for the intersections contained within the study area, along with the eastbound service road volumes, are shown in Figure 3. Through our investigation of the existing traffic data, it was determined that the peak hours are as follows:

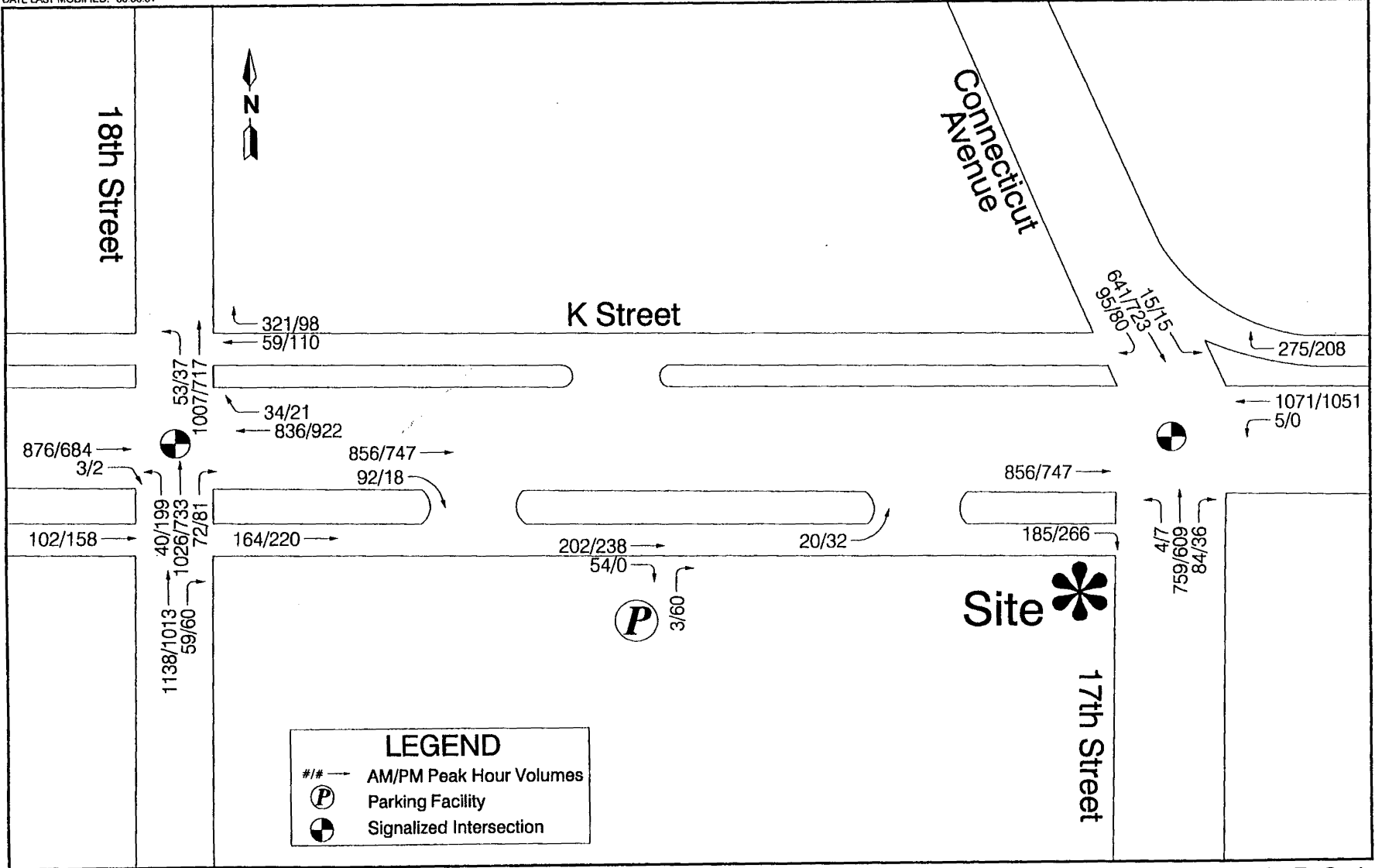
- AM Peak Hour; 8:15 a.m. to 9:15 a.m.
- PM Peak Hour; 5:30 p.m. to 6:30 p.m.



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Figure 2
Traffic Control and Flow Patterns

Not To Scale



Not To Scale

Figure 3
 Existing Peak Hour Volumes



Existing Conditions Capacity Analysis

Capacity analyses were performed for the existing AM and PM peak hours for all of the intersections within the study area using the Highway Capacity Software Version 3.2 (HCS). Table 1 gives the existing levels of service for the intersections.

Table 1
Existing Levels of Service

Intersection	AM Level of Service (delay)	PM Level of Service (delay)
17th Street/Connecticut Avenue/K Street	C (21.7)	B (19.6)
18th Street/K Street	B (15.8)	B (16.3)

As the table shows, the analysis results in acceptable levels of service at both intersections during both the AM and PM peak hours. However, these results do not accurately reflect the existing conditions. From visual observation, the intersections operate at unacceptable levels of service with considerable delay during both the AM and PM peak hours. It is common for vehicles to block the intersection while the opposing traffic flow has a green signal because of congestion at adjacent intersections. This results in lower traffic volumes during the data collection period since the actual capacity of the intersection is significantly decreased due to the blockages. Therefore, evaluating the levels of service at the study area intersections is an ineffective method of identifying any affects of the proposed development and will not be utilized in the remainder of this study.

FUTURE CONDITIONS WITH DEVELOPMENT

Site Access

The proposed development includes a parking garage with approximately 225-spaces. The garage driveway is accessible from the eastbound K Street service road, west of 17th Street and just east of the 10-foot alley and median break onto the K Street mainline. In order to enter the parking garage, vehicles must get onto the service road from 18th Street or by using the median break from the K Street mainline, just east of 18th Street. Without any modifications to the existing median break at the 10-foot alley, vehicles exiting the parking garage must turn right onto the service road and then turn right onto southbound 17th Street.

Transportation Characteristics and Traffic Generation

The proposed office building is planned to have the same mix of uses (office and commercial) as the existing building. Based on the data presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, the recognized industry reference manual for traffic generation. The fact that the existing and proposed buildings are approximately the same size will result in the same traffic generation for the buildings before and after development. The difference between the existing development and the proposed development is that the proposed plan includes a parking garage with a capacity of approximately 225-spaces.

There are three metrorail portals within one block of the site: two portals for the Farragut West station (blue and orange line) and one portal for the Farragut North station (red line). There are also numerous parking garages within one or two blocks from the site that currently serve the surrounding area. It is not expected that the existing transportation mode choice will change with the redevelopment of the site. Therefore, according to the ITE trip generation manual it can be expected that the same number of employees who currently drive will continue to drive after the redevelopment.

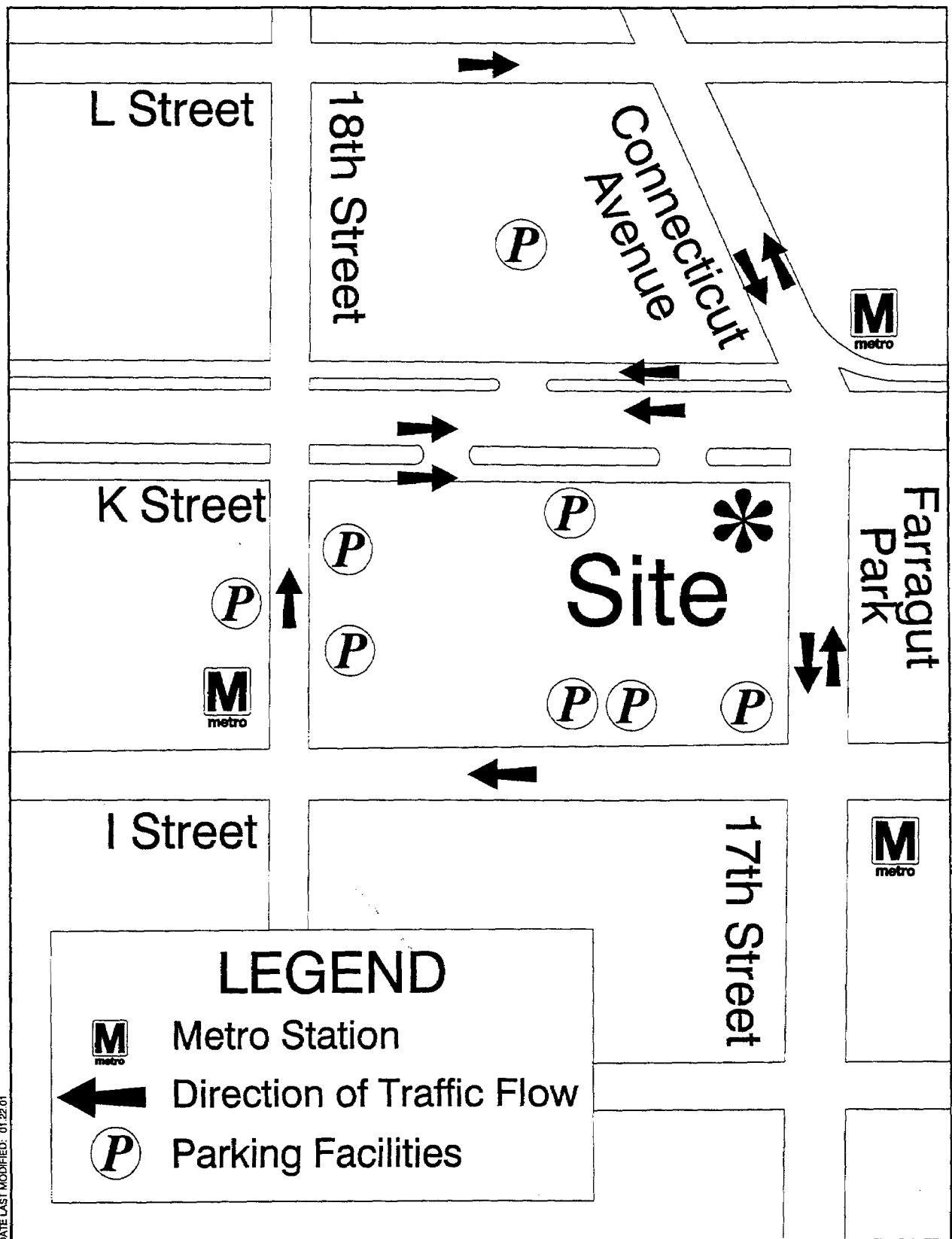
Directional Distribution of Employees

The destinations/origins for employees of the existing building are nearby parking garages. Since the proposed development includes a parking garage with approximately 225-spaces, employees are more likely to use this facility than the other parking garages in the area. While the existing regional directional distribution is expected to be maintained with the proposed development, the directional distribution as motorists approach and leave the site is expected to change due to the addition of the parking garage.

In order to determine the existing distribution routes and evaluate how the addition of a parking garage would effect traffic flow, it is important to identify existing nearby parking opportunities which would constitute the locations where most of the employees currently park. Figure 4 illustrates the parking garage locations within one block of the building. As the figure shows, there are eight parking garages that are within convenient walking distance of the building. The closer the parking garage, the more likely employees will choose to park there.

There are several approach routes to the existing parking garages. These routes are described below:

1. **Eastbound K Street.** For those motorists traveling eastbound on K Street, the first and most convenient parking garage is the one located just to the west of the site on K Street. Motorists would need to use the service road to enter the garage. To exit the garage, motorists would turn right onto the K Street service road and then either get onto the mainline using the easterly median break or continue to 17th Street and make a right.
2. **Westbound K Street.** For those motorists traveling westbound on K Street, the only convenient garage is located mid-block on the north side of K Street between 17th and 18th Streets. This is a very inconvenient location because it is set back from K Street behind buildings and employees must walk back to 17th Street and cross K Street. Motorists traveling westbound on K Street are most likely to approach the site via I Street or M Street (to Connecticut Avenue). With either of these two routes, motorists would be most likely to choose the first parking garage on I Street (at the corner of 17th Street) or continue around the block to the eastbound K Street garage. When exiting, those that parked at the I Street parking garage, would need to drive around to eastbound K Street to get back to east. Those that parked at the K Street garage could either get onto the K Street mainline or turn right onto southbound 17th Street.
3. **Northbound 17th Street.** For those motorists traveling northbound on 17th Street, it is most convenient to turn left onto I Street and either enter the first garage at the corner of I Street



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Figure 4
Parking Facility Locations

Not To Scale

and 17th Street or continue around the block to the eastbound K Street garage. The exiting movement would be similar to the “Westbound K Street” approach with the exception that more motorists would choose to turn right onto southbound 17th Street.

4. Northbound 18th Street. For those motorists traveling northbound on 18th Street, it is most convenient to enter either the parking garage near the corner of 18th Street and K Street or turn right onto the eastbound K Street service road to the garage just west of the site. The exiting route would take them eastbound on K Street to southbound 17th Street.

The above information leads to the conclusion that the vast majority of the employees at the existing building are likely to use the following parking garages locations:

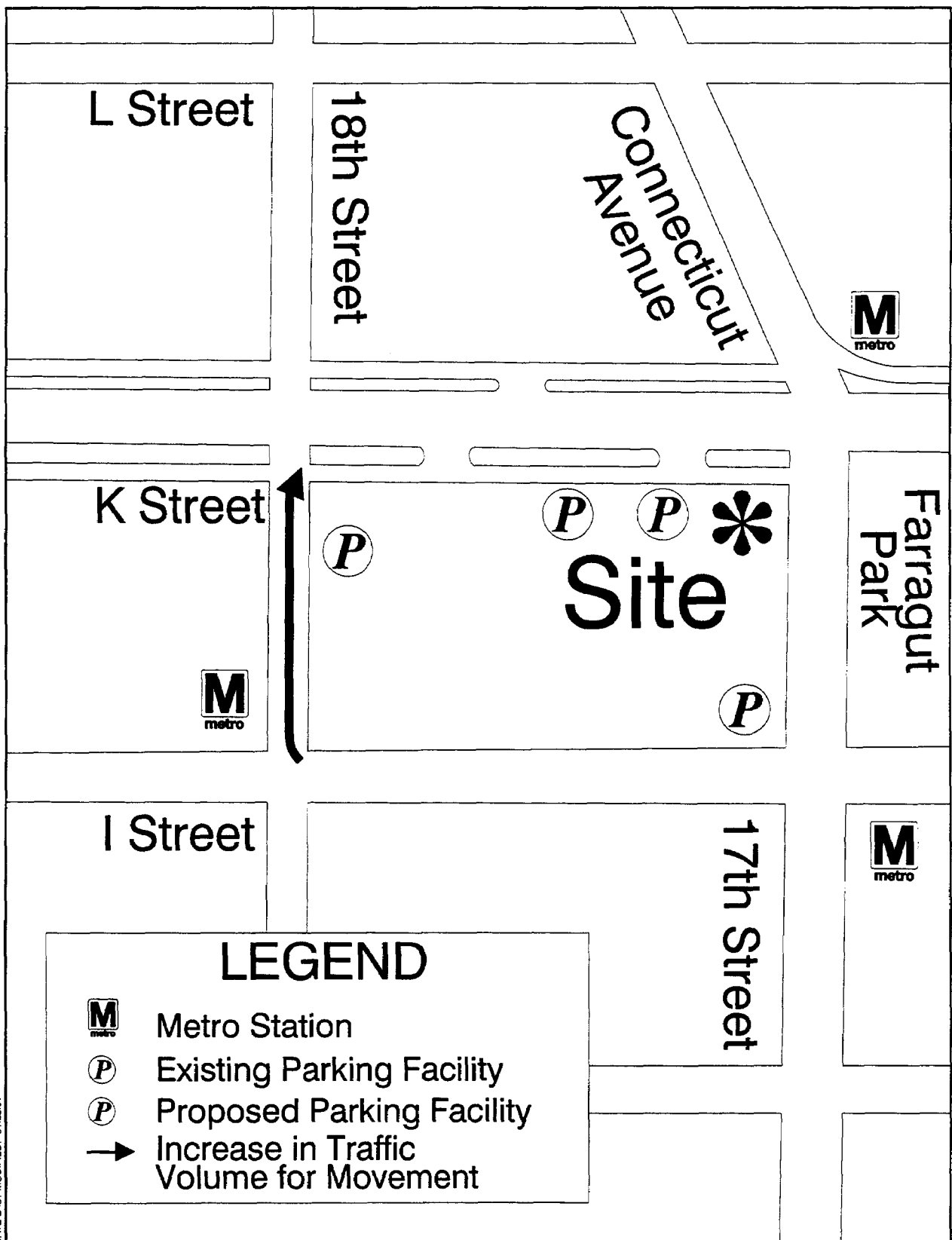
- K Street, just west of proposed development;
- I Street at 17th Street; and
- 18th Street at K Street

It can also be concluded that, given the convenience from the different routes to the building, the parking garage on K Street is the most likely to be used, followed by the garage at I Street and 17th Street and then by the garage at 18th Street and K Street.

The proposed parking garage will provide additional parking opportunities for employees which would be even more favorable than the parking garage directly to its west. Since the capacity of the parking garage is approximately 225-spaces, it is expected that approximately 225 motorists will choose to use this proposed garage over the other garages in the area. This will directly affect the right-turning traffic volumes at adjacent intersections and the traffic volumes on the eastbound K Street service road. The chart below summarizes the route changes and affects on traffic flow and Figures 5 and 6 graphically illustrate these changes:

Table 2
Affects of Proposed Parking Garage on Traffic Flow

Existing Garage Location	Inbound Route Change (AM Peak Hour)	Outbound Route Change (PM Peak Hour)	Affects on Traffic Flow
K Street, just west of proposed development	No change	Median break on K Street does not allow for mainline access. All vehicles must turn right onto 17th Street.	Increase in right-turning traffic from eastbound K Street service road to 17th Street during PM peak hour.
I Street at 17th Street	Right turn onto northbound 18th Street and right turn onto eastbound K Street service road.	Right turn onto southbound 17th Street - no other turn needed. (Majority of motorists destined for southbound 17th Street)	Increase in right-turning traffic from I Street to 18th Street and to K Street service road during AM peak hour. Decrease in right-turning traffic along same route as above during PM peak hour.
18th Street at K Street	Right turn onto eastbound K Street service road.	Median break on K Street does not allow for mainline access. All vehicles must turn right onto 17th Street.	Increase in right-turning traffic from 18th Street to K Street during AM peak hour. Decrease in right-turning traffic from 18th Street to K Street and increase in right-turning traffic from K Street service road to 17th Street during PM peak hour.



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Figure 5
Effects of Proposed Parking Garage on Traffic Flow
Inbound

Not To Scale



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Figure 6
Affects of Proposed Parking Garage on Traffic Flow
Outbound

Not To Scale

The changes in traffic flow as a result of the proposed parking garage will primarily affect right-turning traffic volumes. The additional capacity of parking spaces in the area may increase traffic proportionally with this parking space increase. It is not expected that these changes will degrade the overall operation of the intersections or roadways during the peak hours with the exception of the eastbound K Street service road adjacent to the site. At this location, exiting vehicles from the proposed parking garage cannot access the K Street mainline and are forced to turn right onto southbound 17th Street.

Loading Dock Access

The loading dock area can be accessed from the alley off the eastbound K Street service road. This alley is currently 10-feet wide but will be widened to 15-feet with the proposed development. Trucks may then exit the loading dock area via the 20-foot alley leading to northbound 18th Street. This evaluation utilized AutoTurn software to determine maneuvering paths of the design vehicle, a 30-foot single-unit truck.

The truck path from the eastbound K Street service road onto the 15-foot alley is shown on Figure 7. The figure shows that a single-unit truck can make the turn into the alley in one maneuver by driving over a section of the curb on the west side of the alley. This section of the curb should be mountable to allow this movement.

The alley from K Street leads to the rear of the proposed building where the loading docks will be located. There will be three loading docks to be used by single-unit trucks and a fourth, slightly smaller loading dock, to be used by service vehicles. There is a public access right-of-way line located 20-feet from the building right-of-way line. It is necessary for trucks to be able to stay within the public access right-of-way line while maneuvering in and out of the loading docks. Figure 7 shows the truck maneuvering path from the 15-foot alley to the loading docks. As the figure shows, the truck is able to stay within the public access right-of-way line if a portion of the proposed building corner is removed on the lower level.

Parking Garage Layout and Circulation

The proposed parking garage will be self-park and attendant operated in order to maximize the capacity by stacking vehicles. Throughout the three levels of the parking garage, there will be approximately 225 parking spaces. The circulation on the ramps and drive aisles is two-way, making the traffic flow convenient and efficient. The circulation pattern is circular and easy to understand. The design plans show the detailed layout of the parking garage.

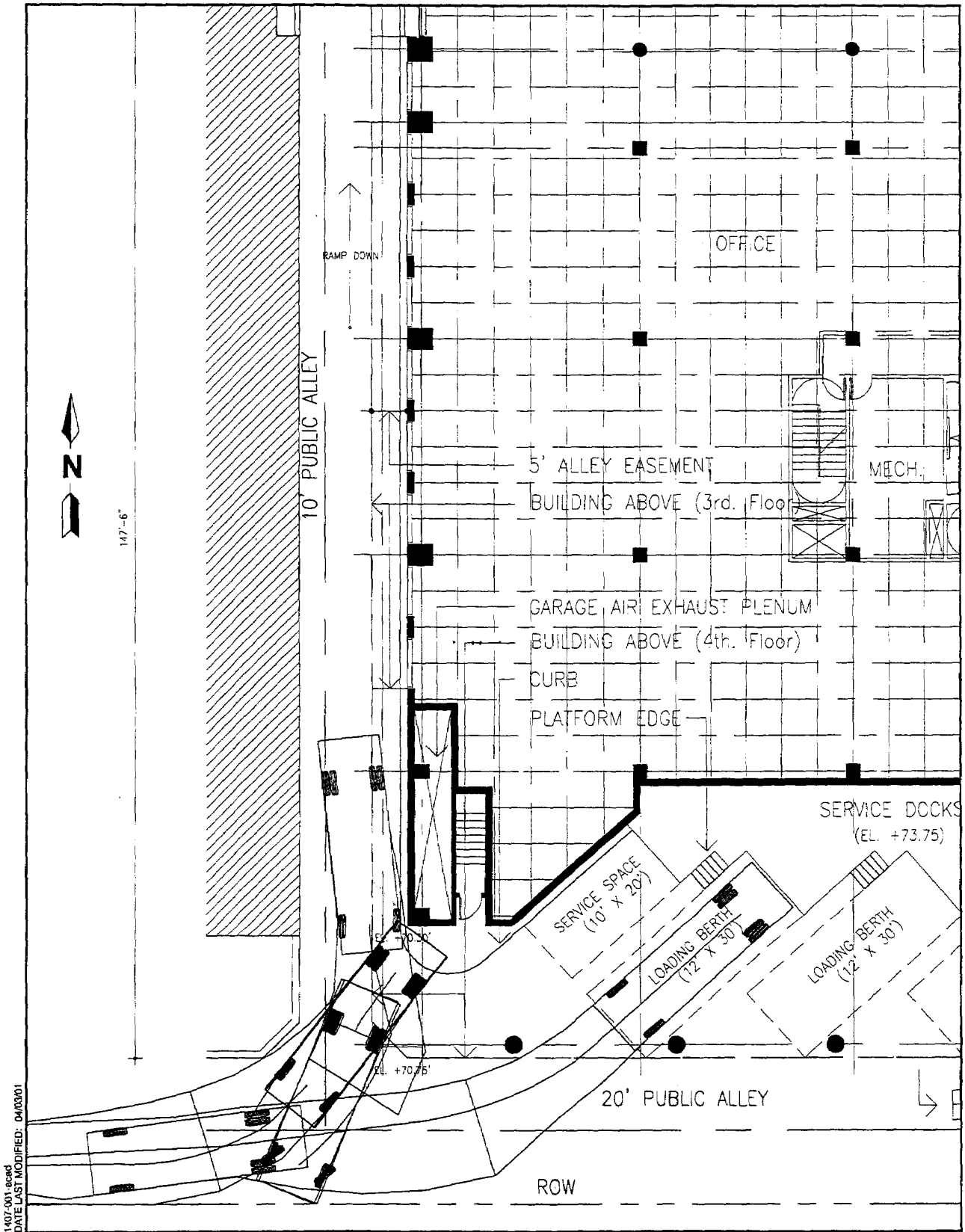


Figure 7
Single Unit 30' Truck Maneuverability
3-Point Turn at "T" in the Public Alley to Maneuver to the Loading Docks
Scale: 1" = 20'

CONCLUSIONS

This report contains the findings of a traffic impact study conducted for the redevelopment of the building located on the southwest corner of the intersection of K Street and 17th Street in northwest D.C. The proposed development is for an office building with ground-floor commercial space that is the same size and same mix as the existing building. The proposed building will include a parking garage with approximately 200-spaces where no parking exists today.

Capacity analysis was performed for existing conditions but was found to be non-representative of the actual conditions. Therefore, through direction of approach analysis, this report supports the following major conclusions:

1. The proposed development will have a negligible impact on traffic operations within the study area.
2. By visual observation, the study area intersections (K Street with 17th and 18th Streets) operate with delay and constrained capacity due to congestion at adjacent intersections.
3. Based on the data presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, the recognized industry reference manual for traffic generation, the fact that the existing and proposed buildings are approximately the same size will result in the same traffic generation for the buildings before and after development.
4. The proposed parking garage will slightly increase capacity in the area and will cause a shift in preferred parking locations for building tenants which will result in traffic pattern changes but will not significantly impact the surrounding road network.
5. The effect of the traffic pattern changes at the intersection of K Street and 18th Street will be negligible since only the southbound right-turn traffic volume will be affected, which is the least congested movement on 18th Street.
6. The effect of the traffic pattern changes at the intersection of K Street and 17th Street will result in a noticeable increase in right turns from the eastbound service road onto 17th Street.
7. Access to the loading dock can be accommodated by a 30-foot single-unit truck in one maneuver from the eastbound K Street service road onto the 15-foot alley as well as from the alley to the loading docks. The design vehicle can maneuver into the loading docks without encroaching on the public access right-of-way line assuming that a portion of the proposed building corner is removed.

APPENDIX A
TRAFFIC IMPACT ANALYSIS MEMORANDUM

HCS: Signalized Intersections Release 3.2

Inter: 17th Street/K Street
 Analyst: KAN
 Date: 1/22/01
 E/W St: K Street

City/St: Washington, D.C.
 Proj #: 1407-001
 Period: AM Peak Hour
 N/S St: 17th Street/Connecticut Avenue

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2	1	0	2	1	0	2	1	0	2	1
LGConfig		T	R		T	R		T	R		T	R
Volume		876	185		1071	275		759	84		641	95
Lane Width		12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					NB Left			
Thru		P	P		Thru	P		
Right		P	P		Right	P		
Peds					Peds			
WB Left					SB Left			
Thru		P	P		Thru	P		
Right			P		Right	P		
Peds					Peds			
NB Right					EB Right			
SB Right					WB Right			
Green		23.0	16.0			31.0		
Yellow		0.0	4.0			4.0		
All Red		0.0	1.0			1.0		
Cycle Length:		80.0	secs					

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS

Eastbound

T	1760	3610	0.55	0.488	15.6	B	15.2	B
R	787	1615	0.26	0.488	12.9	B		

Westbound

T	1760	3610	0.68	0.488	17.8	B	28.4	C
R	323	1615	0.95	0.200	69.9	E		

Northbound

T	1399	3610	0.60	0.387	21.5	C	21.0	C
R	626	1615	0.15	0.387	16.4	B		

Southbound

T	1399	3610	0.51	0.387	20.0+	C	19.6	B
R	626	1615	0.17	0.387	16.6	B		

Intersection Delay = 21.7 (sec/veh) Intersection LOS = C

HCS: Signalized Intersections Release 3.2

Inter: 17th Street/K Street
 Analyst: KAN
 Date: 1/22/01
 E/W St: K Street

City/St: Washington, D.C.
 Proj #: 1407-001
 Period: PM Peak Hour
 N/S St: 17th Street/Connecticut Avenue

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	2	1	0	2	1	0	2	1	0	2	1
LGConfig		T	R		T	R		T	R		T	R
Volume		776	266		1051	208		609	36		723	80
Lane Width		12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					NB Left			
Thru		P	P		Thru	P		
Right		P	P		Right	P		
Peds					Peds			
WB Left					SB Left			
Thru		P	P		Thru	P		
Right			P		Right	P		
Peds					Peds			
NB Right					EB Right			
SB Right					WB Right			
Green		20.0	16.0			34.0		
Yellow		0.0	4.0			4.0		
All Red		0.0	1.0			1.0		
Cycle Length:	80.0 secs							

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c g/C		Lane Group Delay LOS		Approach Delay LOS	
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Eastbound

T	1624	3610	0.53	0.450	17.1	B	17.0	B
R	727	1615	0.41	0.450	16.5	B		

Westbound

T	1624	3610	0.72	0.450	20.7	C	24.3	C
R	323	1615	0.72	0.200	42.6	D		

Northbound

T	1534	3610	0.44	0.425	17.2	B	17.0	B
R	686	1615	0.06	0.425	13.7	B		

Southbound

T	1534	3610	0.52	0.425	18.3	B	17.9	B
R	686	1615	0.13	0.425	14.4	B		

Intersection Delay = 19.6 (sec/veh) Intersection LOS = B

HCS: Signalized Intersections Release 3.2

Inter: 18th Street/K Street City/St: Washington, D.C.
 Analyst: KAN Proj #: 1407-001
 Date: 1/22/01 Period: AM Peak Hour
 E/W St: K Street N/S St: 18th Street/Connecticut Avenue

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	3	0	0	3	0	0	4	0	0	0	0
LGConfig	T			TR			LTR					
Volume	876			929 321			0	1007 53				
Lane Width	12.0			12.0			12.0					
RTOR Vol				0			0					

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					NB Left	P		
Thru	P				Thru	P		
Right					Right	P		
Peds					Peds			
WB Left					SB Left			
Thru	P				Thru			
Right	P				Right			
Peds					Peds			
NB Right					EB Right			
SB Right					WB Right			
Green	40.0				30.0			
Yellow	4.0				4.0			
All Red	1.0				1.0			
Cycle Length:	80.0 secs							

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group Delay LOS		Approach Delay LOS	
			v/c	g/C				

Eastbound

T 2594 5187 0.38 0.500 12.7 B 12.7 B

Westbound

TR 2494 4987 0.56 0.500 14.8 B 14.8 B

Northbound

LTR 2574 6864 0.46 0.375 19.5 B 19.5 B

Southbound

Intersection Delay = 15.8 (sec/veh) Intersection LOS = B

HCS: Signalized Intersections Release 3.2

Inter: 18th Street/K Street
 Analyst: KAN
 Date: 1/22/01
 E/W St: K Street

City/St: Washington, D.C.
 Proj #: 1407-001
 Period: PM Peak Hour
 N/S St: 18th Street/Connecticut Avenue

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	3	0	0	3	0	0	4	0	0	0	0
LGConfig	T			TR			LTR					
Volume	686			1053 98			0	717 37				
Lane Width	12.0			12.0			12.0					
RTOR Vol							0			0		

Duration 0.25 Area Type: All other areas

Signal Operations									
Phase Combination	1	2	3	4	5	6	7	8	
EB Left					NB Left	P			
Thru	P				Thru	P			
Right					Right	P			
Peds					Peds				
WB Left					SB Left				
Thru	P				Thru				
Right	P				Right				
Peds					Peds				
NB Right					EB Right				
SB Right					WB Right				
Green	35.0				35.0				
Yellow	4.0				4.0				
All Red	1.0				1.0				
Cycle Length: 80.0 secs									

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
T	2269	5187	0.34	0.438	15.2	B	15.2	B
Westbound								
TR	2240	5121	0.57	0.438	17.9	B	17.9	B
Northbound								
LTR	3003	6865	0.28	0.438	14.6	B	14.6	B
Southbound								

Intersection Delay = 16.3 (sec/veh) Intersection LOS = B

Intersection Traffic Volume Counts and Peak Hour Volume

PM PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
 PROJECT NO.: 1407-010
 LOCATION: "K" Street and 17th Street
 CITY/COUNTY: NW

COUNTED BY: R. Weil & M. Topolosky
 DAY & DATE: 1/16/01 Tuesday
 INTERVAL: 15 minute
 STATE DC WEATHER:

NB. APPROACH: 17th Street
 SB. APPROACH: 17th Street

EB. APPROACH: "K" Street
 WB. APPROACH: "K" Street

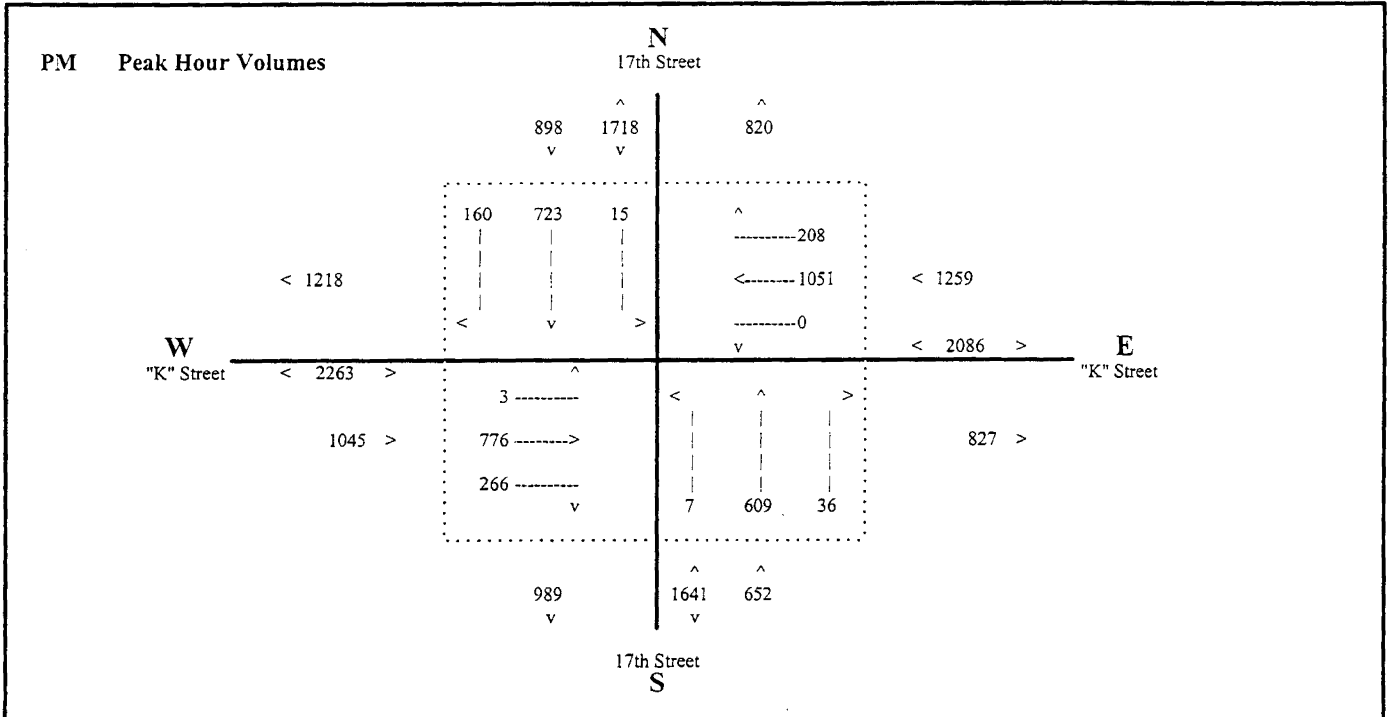
COUNTS

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
4:30 PM	- 4:45 PM	59	145	3	53	237	0	14	128	3	36	192	4	874	3704	0.89
4:45 PM	- 5:00 PM	36	172	9	44	222	1	20	144	2	44	167	3	864	3715	0.90
5:00 PM	- 5:15 PM	41	171	4	42	232	0	9	165	0	59	208	0	931	3740	0.90
5:15 PM	- 5:30 PM	38	188	4	61	298	0	12	154	3	81	196	0	1035	3854	0.92
5:30 PM	- 5:45 PM	47	169	3	42	243	0	9	155	2	47	165	3	885	3739	0.89
5:45 PM	- 6:00 PM	31	168	4	52	230	0	5	129	0	63	207	0	889	2854	0.68
6:00 PM	- 6:15 PM	44	198	4	53	280	0	10	171	2	75	208	0	1045	1965	0.47
6:15 PM	- 6:30 PM	38	172	2	60	219	0	19	158	0	63	189	0	920	920	0.25
6:30 PM	- 6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
6:45 PM	- 7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:00 PM	- 7:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:15 PM	- 7:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:30 PM	- 7:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:45 PM	- 8:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:00 PM	- 8:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:15 PM	- 8:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
PM TOTAL		334	1383	33	407	1961	1	98	1204	12	468	1532	10	7443	3854	

PEAK HOUR VOLUMES

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
5:15 PM	- 5:30 PM	38	188	4	61	298	0	12	154	3	81	196	0	1035	---	---
5:30 PM	- 5:45 PM	47	169	3	42	243	0	9	155	2	47	165	3	885	---	---
5:45 PM	- 6:00 PM	31	168	4	52	230	0	5	129	0	63	207	0	889	---	---
6:00 PM	- 6:15 PM	44	198	4	53	280	0	10	171	2	75	208	0	1045	---	---
TOTAL		160	723	15	208	1051	0	36	609	7	266	776	3	3854		

INTERSECTION DIAGRAM



Service Road Intersection Traffic Volume Counts and Peak Hour Volume

PM PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
PROJECT NO.: 1407-010
LOCATION: "K" Street and 18th Street
CITY/COUNTY: NW

COUNTED BY: R. Savoy & M. Topolosky
DAY & DATE: 1/16/01 Tuesday
INTERVAL: 15 minute
WEATHER:

NB. APPROACH: 18th Street
SB. APPROACH: 18th Street

EB. APPROACH: "K" Street
WB. APPROACH: "K" Street

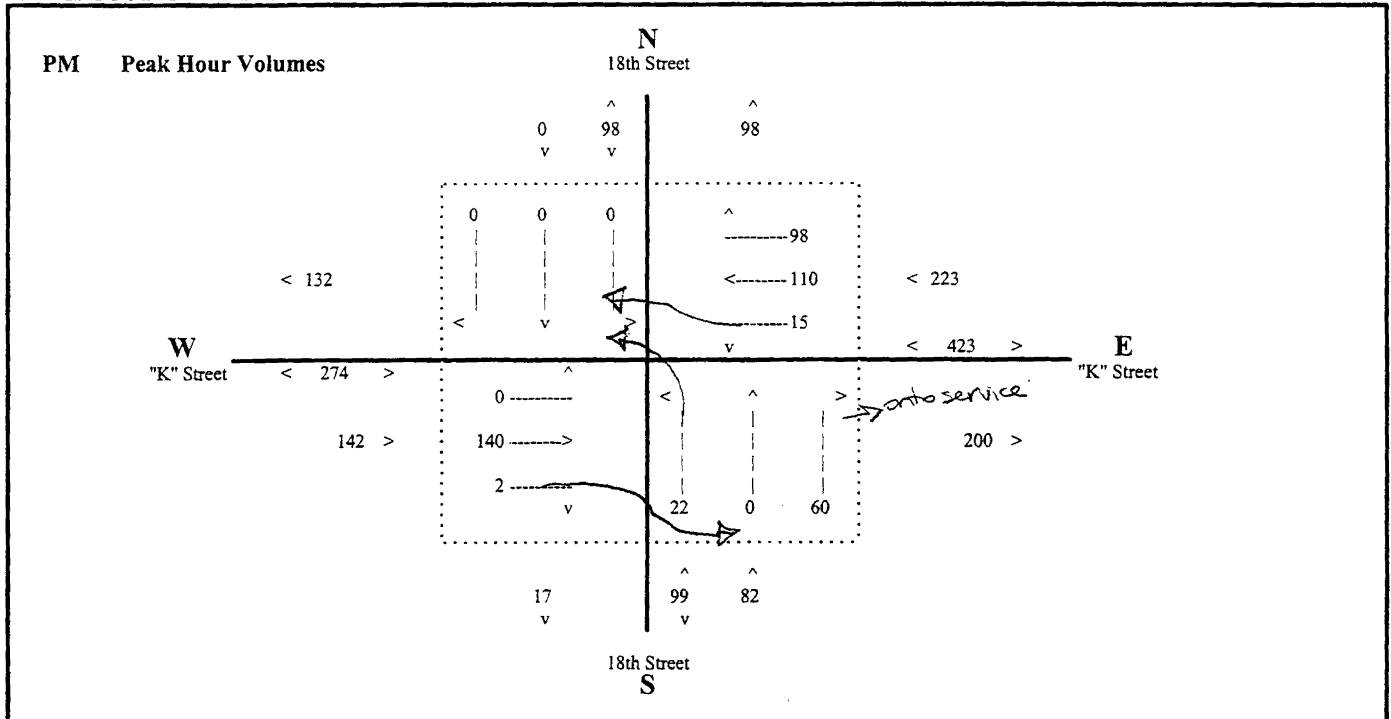
COUNTS

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
		1	2	3	4	5	6	7	8	9	10	11	12			
4:30 PM	- 4:45 PM	0	0	0	33	19	0	4	0	2	11	32	0	101	384	0.95
4:45 PM	- 5:00 PM	0	0	0	35	14	4	6	0	2	0	24	0	85	395	0.88
5:00 PM	- 5:15 PM	0	0	0	30	15	3	13	0	4	1	35	0	101	416	0.93
5:15 PM	- 5:30 PM	0	0	0	20	32	2	14	0	6	0	23	0	97	447	0.85
5:30 PM	- 5:45 PM	0	0	0	28	24	6	15	0	4	1	34	0	112	475	0.90
5:45 PM	- 6:00 PM	0	0	0	14	22	2	15	0	4	1	48	0	106	363	0.69
6:00 PM	- 6:15 PM	0	0	0	36	32	5	16	0	8	0	35	0	132	257	0.49
6:15 PM	- 6:30 PM	0	0	0	22	41	3	14	0	6	0	39	0	125	125	0.25
6:30 PM	- 6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
6:45 PM	- 7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:00 PM	- 7:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:15 PM	- 7:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:30 PM	- 7:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:45 PM	- 8:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:00 PM	- 8:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:15 PM	- 8:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
PM TOTAL		0	0	0	218	199	25	97	0	36	14	270	0	859	475	

PEAK HOUR VOLUMES

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
		1	2	3	4	5	6	7	8	9	10	11	12			
5:15 PM	- 5:30 PM	0	0	0	20	32	2	14	0	6	0	23	0	97	---	---
5:30 PM	- 5:45 PM	0	0	0	28	24	6	15	0	4	1	34	0	112	---	---
5:45 PM	- 6:00 PM	0	0	0	14	22	2	15	0	4	1	48	0	106	---	---
6:00 PM	- 6:15 PM	0	0	0	36	32	5	16	0	8	0	35	0	132	---	---
TOTAL		0	0	0	98	110	15	60	0	22	2	140	0	447		

INTERSECTION DIAGRAM



Just 18th & K Main - no service

Intersection Traffic Volume Counts and Peak Hour Volume

**PM
PEAK HOUR**

JOB NAME: 1700 - 1730 "K" Street
 PROJECT NO.: 1407-010
 LOCATION: "K" Street and 18th Street
 CITY/COUNTY: NW

COUNTED BY: R. Savoy & M. Topolosky
 DAY & DATE: 1/16/01 Tuesday
 INTERVAL: 15 minute
 STATE DC WEATHER:

NB. APPROACH: 18th Street
 SB. APPROACH: 18th Street

EB. APPROACH: "K" Street
 WB. APPROACH: "K" Street

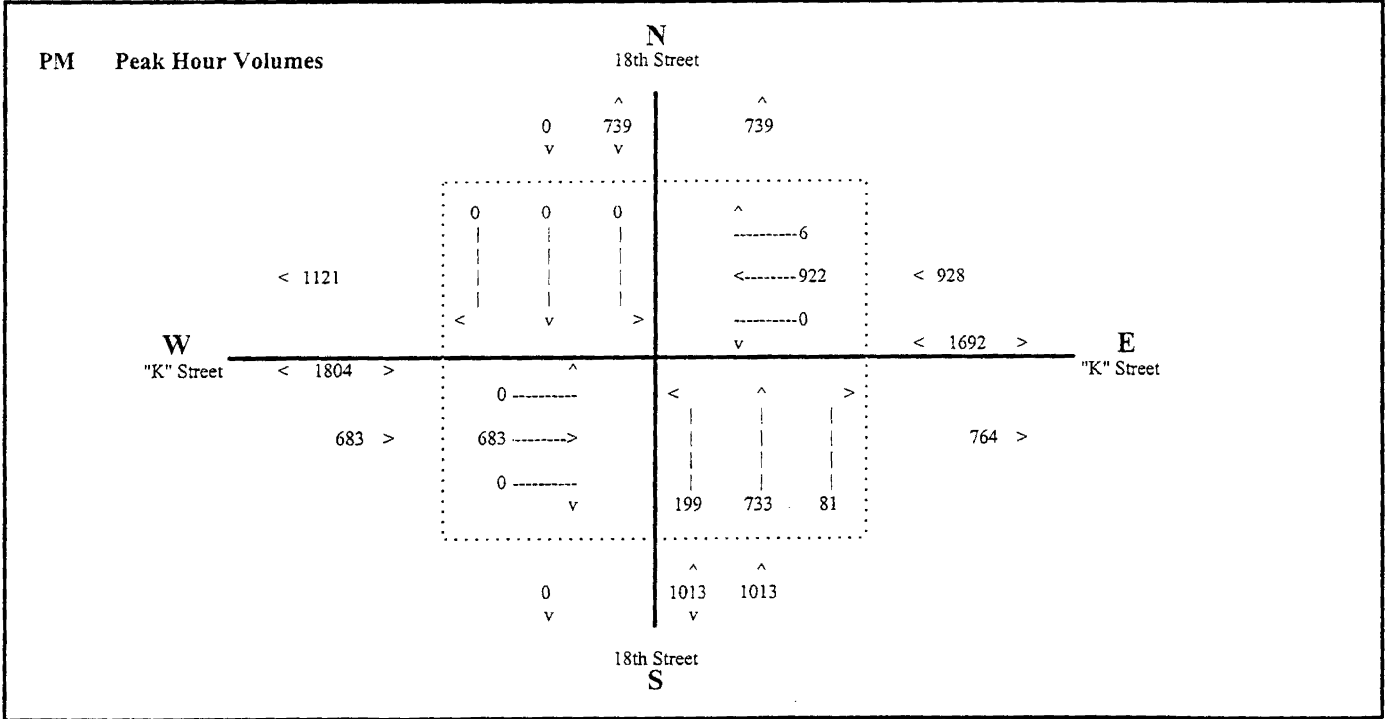
COUNTS

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
4:30 PM	- 4:45 PM	0	0	0	2	253	0	20	141	35	0	185	0	636	2499	0.94
4:45 PM	- 5:00 PM	0	0	0	3	216	0	25	140	37	0	151	0	572	2538	0.94
5:00 PM	- 5:15 PM	0	0	0	0	219	0	20	151	48	0	189	0	627	2594	0.96
5:15 PM	- 5:30 PM	0	0	0	0	237	0	24	180	51	0	172	0	664	2624	0.97
5:30 PM	- 5:45 PM	0	0	0	2	244	0	16	180	44	0	189	0	675	2565	0.95
5:45 PM	- 6:00 PM	0	0	0	2	202	0	20	193	53	0	158	0	628	1890	0.72
6:00 PM	- 6:15 PM	0	0	0	2	239	0	21	180	51	0	164	0	657	1262	0.48
6:15 PM	- 6:30 PM	0	0	0	1	183	0	18	185	48	0	170	0	605	605	0.25
6:30 PM	- 6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
6:45 PM	- 7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:00 PM	- 7:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:15 PM	- 7:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:30 PM	- 7:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:45 PM	- 8:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:00 PM	- 8:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:15 PM	- 8:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
PM TOTAL		0	0	0	12	1793	0	164	1350	367	0	1378	0	5064	2624	

PEAK HOUR VOLUMES

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
5:15 PM	- 5:30 PM	0	0	0	0	237	0	24	180	51	0	172	0	664	---	---
5:30 PM	- 5:45 PM	0	0	0	2	244	0	16	180	44	0	189	0	675	---	---
5:45 PM	- 6:00 PM	0	0	0	2	202	0	20	193	53	0	158	0	628	---	---
6:00 PM	- 6:15 PM	0	0	0	2	239	0	21	180	51	0	164	0	657	---	---
TOTAL		0	0	0	6	922	0	81	733	199	0	683	0	2624		

INTERSECTION DIAGRAM



total @ 10' 9" service

Intersection Traffic Volume Counts and Peak Hour Volume

PM PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
 PROJECT NO.: 1407-010
 LOCATION: "K" Street and 18th Street
 CITY/COUNTY: NW

COUNTED BY: R. Savoy & M. Topolosky
 DAY & DATE: 1/16/01 Tuesday
 INTERVAL: 15 minute
 STATE DC WEATHER:

NB. APPROACH: 18th Street
 SB. APPROACH: 18th Street

EB. APPROACH: "K" Street
 WB. APPROACH: "K" Street

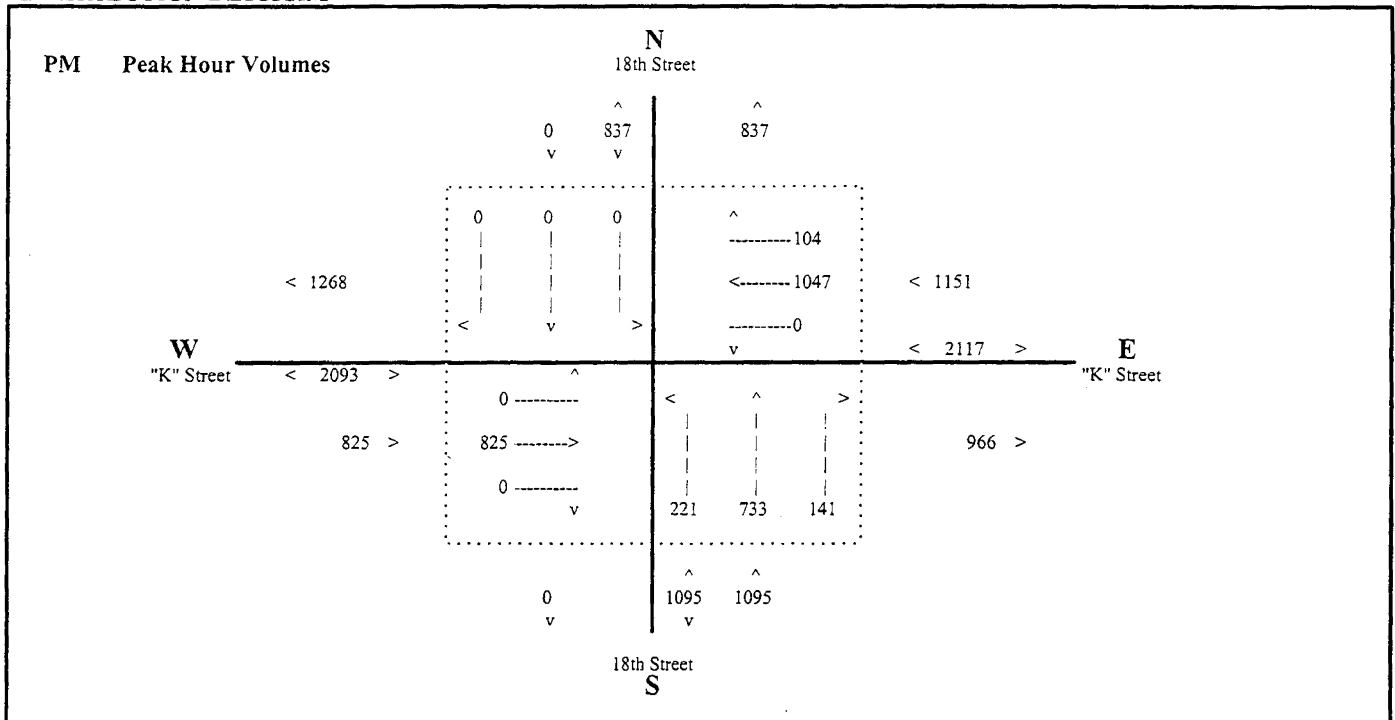
COUNTS

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
4:30 PM	- 4:45 PM	0	0	0	35	272	0	24	141	37	0	218	0	727	2873	0.94
4:45 PM	- 5:00 PM	0	0	0	38	234	0	31	140	39	0	175	0	657	2933	0.93
5:00 PM	- 5:15 PM	0	0	0	30	237	0	33	151	52	0	225	0	728	3010	0.96
5:15 PM	- 5:30 PM	0	0	0	20	271	0	38	180	57	0	195	0	761	3071	0.97
5:30 PM	- 5:45 PM	0	0	0	30	274	0	31	180	48	0	224	0	787	3040	0.96
5:45 PM	- 6:00 PM	0	0	0	16	226	0	35	193	57	0	207	0	734	2253	0.71
6:00 PM	- 6:15 PM	0	0	0	38	276	0	37	180	59	0	199	0	789	1519	0.48
6:15 PM	- 6:30 PM	0	0	0	23	227	0	32	185	54	0	209	0	730	730	0.25
6:30 PM	- 6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
6:45 PM	- 7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:00 PM	- 7:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:15 PM	- 7:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:30 PM	- 7:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
7:45 PM	- 8:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:00 PM	- 8:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
8:15 PM	- 8:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
PM TOTAL		0	0	0	230	2017	0	261	1350	403	0	1652	0	5913	3071	

PEAK HOUR VOLUMES

PM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
5:15 PM	- 5:30 PM	0	0	0	20	271	0	38	180	57	0	195	0	761	---	---
5:30 PM	- 5:45 PM	0	0	0	30	274	0	31	180	48	0	224	0	787	---	---
5:45 PM	- 6:00 PM	0	0	0	16	226	0	35	193	57	0	207	0	734	---	---
6:00 PM	- 6:15 PM	0	0	0	38	276	0	37	180	59	0	199	0	789	---	---
TOTAL		0	0	0	104	1047	0	141	733	221	0	825	0	3071		

INTERSECTION DIAGRAM



Intersection Traffic Volume Counts and Peak Hour Volume

AM PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
PROJECT NO.: 1407-010
LOCATION: "K" Street and 17th Street
CITY/COUNTY: NW

COUNTED BY: R. Weil & M. Topolosky
DAY & DATE: 1/16/01 Tuesday
INTERVAL: 15 minute
STATE DC WEATHER:

NB. APPROACH: 17th Street
SB. APPROACH: 17th Street

EB. APPROACH: "K" Street
WB. APPROACH: "K" Street

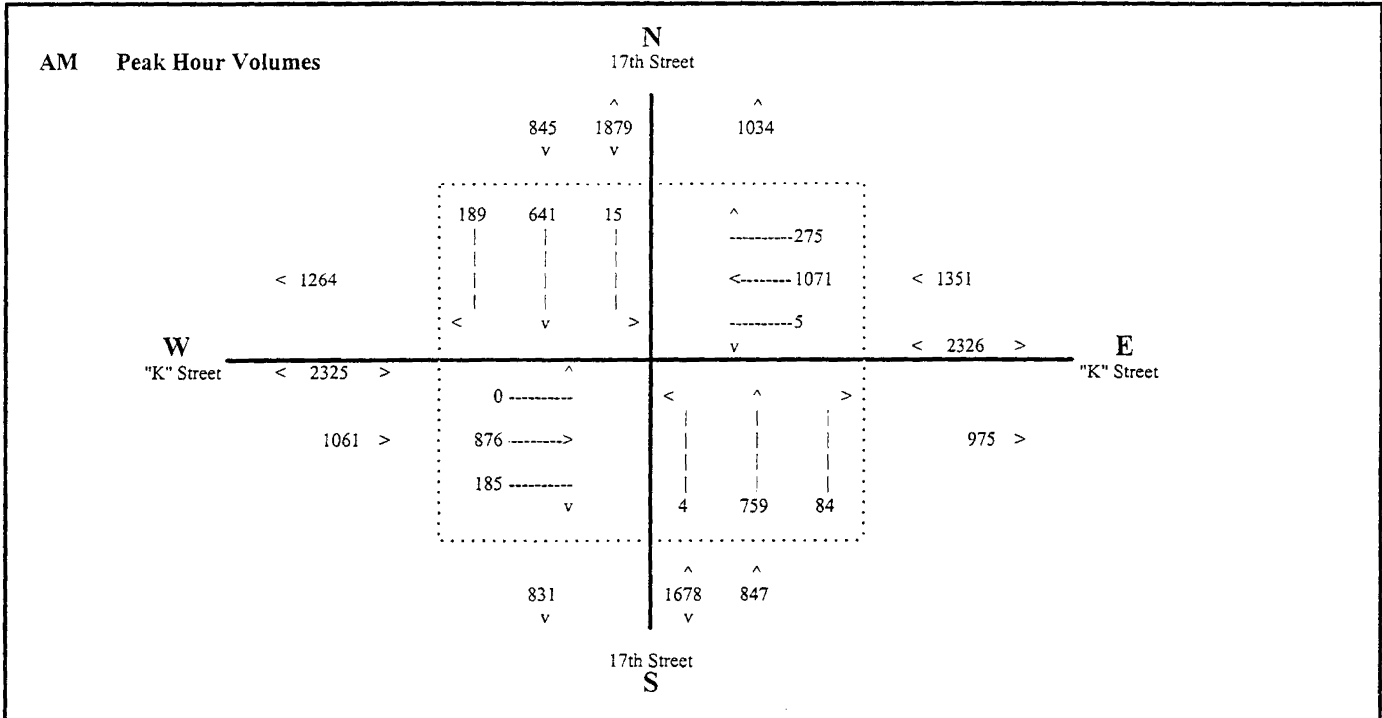
COUNTS

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
7:30 AM	- 7:45 AM	27	149	4	60	214	1	10	149	2	33	164	13	826	3618	0.91
7:45 AM	- 8:00 AM	14	153	4	64	226	0	14	159	0	31	197	0	862	3807	0.94
8:00 AM	- 8:15 AM	57	176	3	64	266	1	11	183	3	29	202	1	996	3958	0.97
8:15 AM	- 8:30 AM	50	169	4	65	244	2	15	163	1	32	189	0	934	4004	0.96
8:30 AM	- 8:45 AM	37	188	0	71	288	0	19	162	0	40	210	0	1015	4104	0.98
8:45 AM	- 9:00 AM	46	158	3	59	289	3	20	179	0	42	214	0	1013	3089	0.74
9:00 AM	- 9:15 AM	56	150	7	68	251	1	21	208	3	52	225	0	1042	2076	0.50
9:15 AM	- 9:30 AM	50	145	5	77	243	1	24	210	1	51	227	0	1034	1034	0.25
9:30 AM	- 9:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
9:45 AM	- 10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:00 AM	- 10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:15 AM	- 10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:30 AM	- 10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:45 AM	- 11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:00 AM	- 11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:15 AM	- 11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
AM	TOTAL	337	1288	30	528	2021	9	134	1413	10	310	1628	14	7722	4104	

PEAK HOUR VOLUMES

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
8:30 AM	- 8:45 AM	37	188	0	71	288	0	19	162	0	40	210	0	1015	---	---
8:45 AM	- 9:00 AM	46	158	3	59	289	3	20	179	0	42	214	0	1013	---	---
9:00 AM	- 9:15 AM	56	150	7	68	251	1	21	208	3	52	225	0	1042	---	---
9:15 AM	- 9:30 AM	50	145	5	77	243	1	24	210	1	51	227	0	1034	---	---
TOTAL		189	641	15	275	1071	5	84	759	4	185	876	0	4104		

INTERSECTION DIAGRAM



Service road

Intersection Traffic Volume Counts and Peak Hour Volume

AM
PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
 PROJECT NO.: 1407-010
 LOCATION: "K" Street and 18th Street
 CITY/COUNTY: NW

COUNTED BY: R. Savoy & M. Topolosky
 DAY & DATE: 1/16/01 Tuesday
 INTERVAL: 15 minute
 STATE DC WEATHER:

NB. APPROACH: 18th Street
 SB. APPROACH: 18th Street

EB. APPROACH: "K" Street
 WB. APPROACH: "K" Street

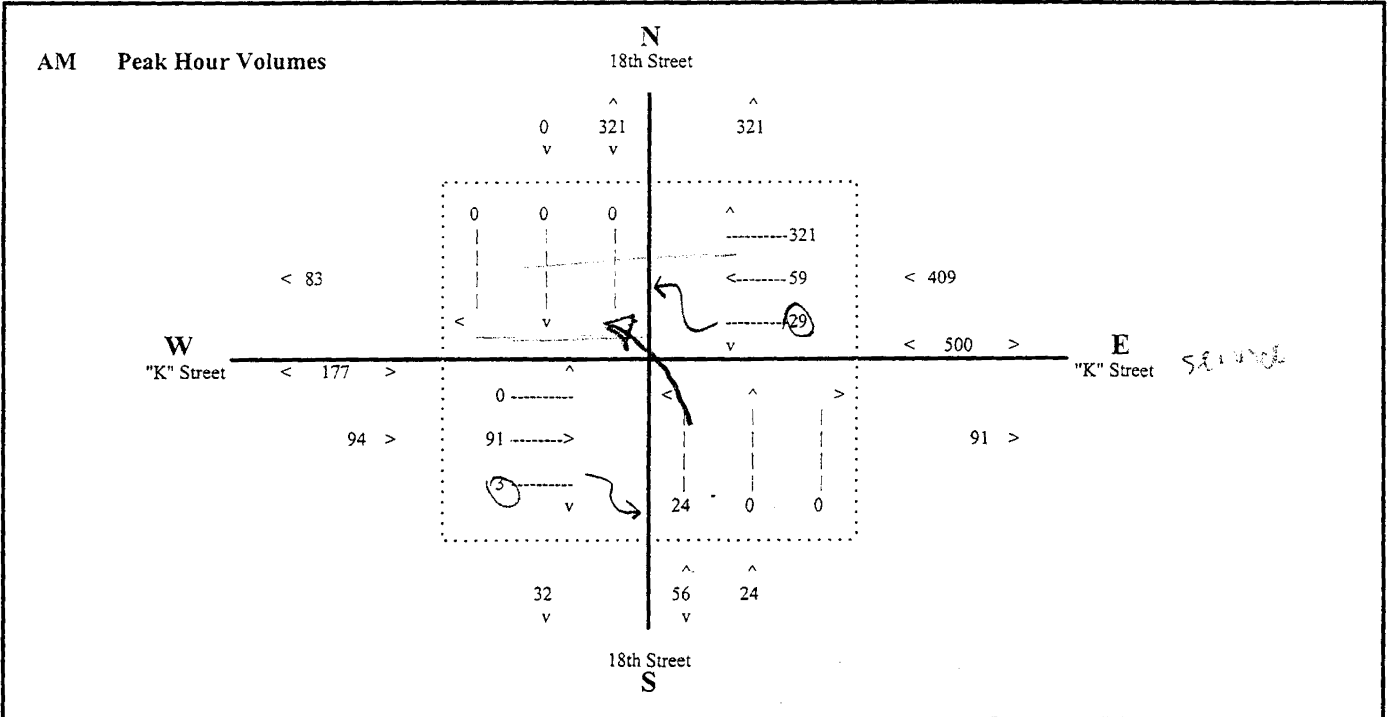
COUNTS

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
		1	2	3	4	5	6	7	8	9	10	11	12			
7:30 AM	- 7:45 AM	0	0	0	56	19	0	0	0	4	2	14	0	95	473	0.89
7:45 AM	- 8:00 AM	0	0	0	86	22	6	0	0	1	0	17	0	132	503	0.95
8:00 AM	- 8:15 AM	0	0	0	87	15	3	0	0	5	2	21	0	133	505	0.94
8:15 AM	- 8:30 AM	0	0	0	74	18	2	0	0	2	0	17	0	113	511	0.92
8:30 AM	- 8:45 AM	0	0	0	78	14	4	0	0	10	1	18	0	125	527	0.95
8:45 AM	- 9:00 AM	0	0	0	89	17	6	0	0	3	0	19	0	134	402	0.72
9:00 AM	- 9:15 AM	0	0	0	85	11	8	0	0	6	1	28	0	139	268	0.48
9:15 AM	- 9:30 AM	0	0	0	69	17	11	0	0	5	1	26	0	129	129	0.25
9:30 AM	- 9:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
9:45 AM	- 10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:00 AM	- 10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:15 AM	- 10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:30 AM	- 10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:45 AM	- 11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:00 AM	- 11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:15 AM	- 11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
AM TOTAL		0	0	0	624	133	40	0	0	36	7	160	0	1000	527	

PEAK HOUR VOLUMES

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
8:30 AM	- 8:45 AM	0	0	0	78	14	4	0	0	10	1	18	0	125	---	---
8:45 AM	- 9:00 AM	0	0	0	89	17	6	0	0	3	0	19	0	134	---	---
9:00 AM	- 9:15 AM	0	0	0	85	11	8	0	0	6	1	28	0	139	---	---
9:15 AM	- 9:30 AM	0	0	0	69	17	11	0	0	5	1	26	0	129	---	---
TOTAL		0	0	0	321	59	29	0	0	24	3	91	0	527		

INTERSECTION DIAGRAM



total @ both ends of service

Intersection Traffic Volume Counts and Peak Hour Volume

AM PEAK HOUR

JOB NAME: 1700 - 1730 "K" Street
PROJECT NO.: 1407-010
LOCATION: "K" Street and 18th Street
CITY/COUNTY: NW

COUNTED BY: R. Savoy & M. Topolosky
DAY & DATE: 1/16/01 Tuesday
INTERVAL: 15 minute
STATE: DC **WEATHER:**

NB. APPROACH: 18th Street
SB. APPROACH: 18th Street

EB. APPROACH: "K" Street
WB. APPROACH: "K" Street

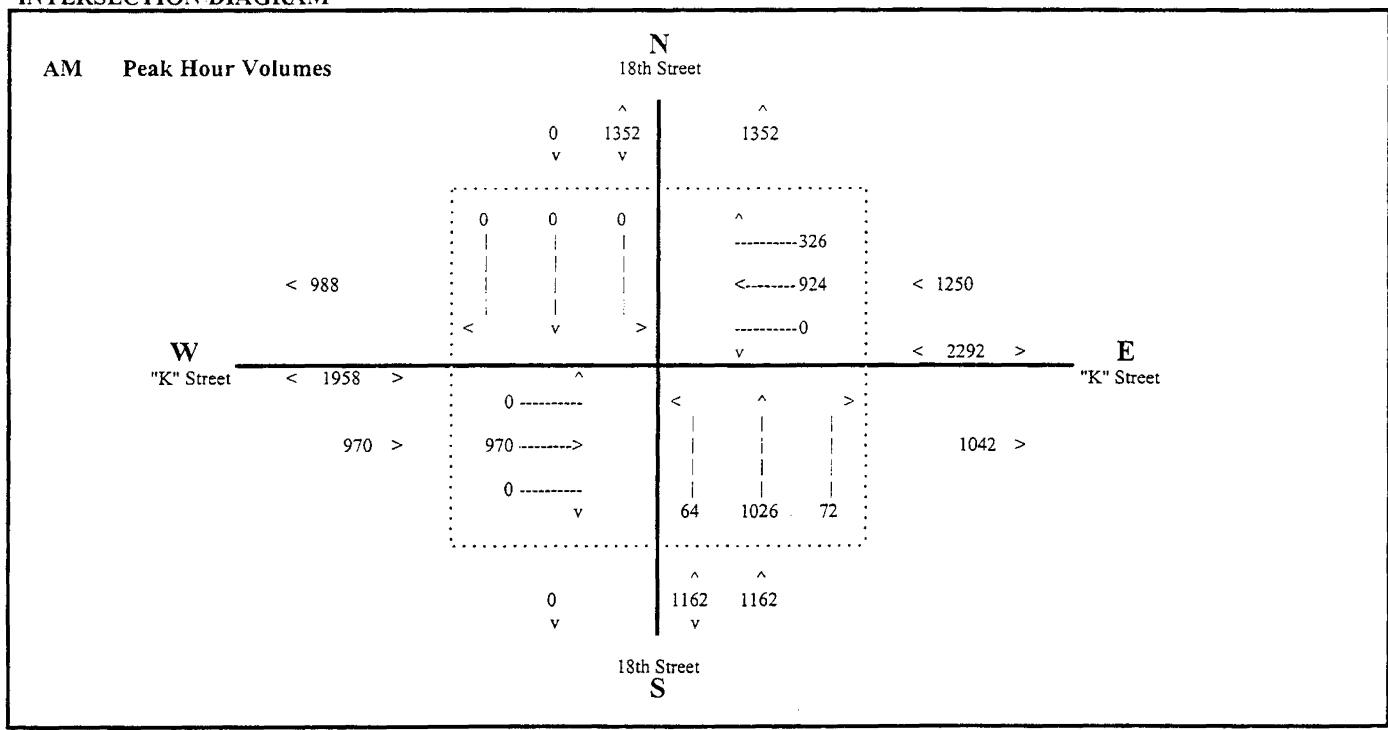
COUNTS

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
7:30 AM	- 7:45 AM	0	0	0	58	192	0	13	241	11	0	211	0	726	3181	0.94
7:45 AM	- 8:00 AM	0	0	0	87	217	0	24	239	11	0	248	0	826	3289	0.97
8:00 AM	- 8:15 AM	0	0	0	87	222	0	23	272	23	0	217	0	844	3313	0.97
8:15 AM	- 8:30 AM	0	0	0	74	222	0	39	206	13	0	231	0	785	3374	0.93
8:30 AM	- 8:45 AM	0	0	0	80	238	0	17	249	23	0	227	0	834	3382	0.93
8:45 AM	- 9:00 AM	0	0	0	90	225	0	12	253	12	0	258	0	850	2548	0.70
9:00 AM	- 9:15 AM	0	0	0	85	238	0	23	280	12	0	267	0	905	1698	0.47
9:15 AM	- 9:30 AM	0	0	0	71	223	0	20	244	17	0	218	0	793	793	0.25
9:30 AM	- 9:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
9:45 AM	- 10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:00 AM	- 10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:15 AM	- 10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:30 AM	- 10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA
10:45 AM	- 11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:00 AM	- 11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
11:15 AM	- 11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.25
AM TOTAL		0	0	0	632	1777	0	171	1984	122	0	1877	0	6563	3382	

PEAK HOUR VOLUMES

AM	MOVEMENT #:	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF
		R	T	L	R	T	L	R	T	L	R	T	L			
8:30 AM	- 8:45 AM	0	0	0	80	238	0	17	249	23	0	227	0	834	---	---
8:45 AM	- 9:00 AM	0	0	0	90	225	0	12	253	12	0	258	0	850	---	---
9:00 AM	- 9:15 AM	0	0	0	85	238	0	23	280	12	0	267	0	905	---	---
9:15 AM	- 9:30 AM	0	0	0	71	223	0	20	244	17	0	218	0	793	---	---
TOTAL		0	0	0	326	924	0	72	1026	64	0	970	0	3382		

INTERSECTION DIAGRAM



F

GIRARD

GIRARD ENGINEERING, PC
1355 Beverly Road, Suite 240
McLean, Virginia 22101
(703) 442-8787
(703) 356-0169 FAX
www.girard.com

RECEIVED

MAR 8 2001

March 6, 2001

Mr. Michael Tyler
Charles E. Smith Commercial Realty
2345 Crystal Drive, Suite 1100
Arlington, VA 22202

Re: 1700 K Street, NW
G.F. Project No. 01008.01

Dear Mr. Tyler:

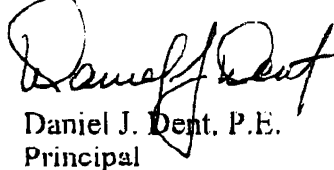
Per your request, we have estimated average daily water and sewer use for the proposed office building at 1700 K Street, NW. Our estimates are based on the Schematic Design Plans developed by Weihe Design Group/Pci Cobb Freed (Progress Printing dated January 26, 2001.) They are as follows:

Average water use:	9000 gallons per day
Average sanitary sewer outfall:	8400 gallons per day

Please let us know if you need additional input.

Sincerely,

GIRARD ENGINEERING, P.C.



Daniel J. Dent, P.E.
Principal

DJD/bs



6

Certificate of Notice

I HEREBY CERTIFY that a copy of the Notice of Intent to File a Zoning Application for a Consolidated Planned Unit Development pursuant to 11 DCMR §2400 et seq. and the Public Space Utilization Act for Lots 56 and 851, Square 126, was mailed to Advisory Neighborhood Commission 2B and to the owners of all property within 200 feet of the perimeter of the project site on March 26, 2001, at least ten (10) calendar days prior to the filing of this application for a Planned Unit Development as required by the Zoning Regulations of the District of Columbia, 11 DCMR (Zoning) § 2406.7.

A copy of the Notice is attached hereto.



Mary Carolyn Brown

WAS1 #937502 v1



Law Offices

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo
*Representative Offices	

March 26, 2001

NOTICE OF INTENT TO FILE A ZONING APPLICATION

**Application to the
District of Columbia Zoning Commission
for a
Consolidated Planned Unit Development
and
Rental of Public Space Under the
Public Space Utilization Act**

Riddell Building Joint Venture and Commerce Building Associates (the "Applicants") hereby give notice of their intent to file an application for consolidated review and approval of a Planned Unit Development ("PUD") with the District of Columbia Zoning Commission under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). The application will be filed with the Zoning Commission not less than ten (10) days from the date of this notice. This notice is given pursuant to section 2406.7 of the Zoning Regulations.

In conjunction with the PUD application, the Applicants will also file with the District of Columbia Building and Land Regulation Administration an application for the rental of public space under the Public Space Utilization Act. This application will be considered by the Zoning Commission at the same time as the PUD application, both of which are described below.

The property that is the subject of these applications is comprised of Lots 56 and 851 in Square 126 and is located at the southwest corner of Connecticut Avenue and K Street, N.W. It is presently improved with two thirteen-story office buildings: the Commerce Building at 1700 K Street, N.W., and the Riddell Building at 1730 K Street, N.W. The site consists of approximately 33,485 square feet of land area.

The Applicants propose to construct a new twelve-story commercial office building with retail space on the site of the two existing buildings. The new structure on Lots 59 and 851 will consist of approximately 370,891 square feet of gross floor area, with approximately 17,000 square feet devoted to retail use. Four levels of below grade parking will provide spaces for approximately 225 to 260 cars. The height of the building will be 130 feet and the floor area ratio ("FAR") will be 11.08. The Applicant also intends to rent public air space over a portion of the alley in the interior of Square 126, under the Public Space Utilization Act. This portion of the building will consist of approximately 2,244 square feet of gross floor area and have an FAR of 0.06.

The property is located in the C-4 District, which allows for a height of 110 feet and a building density of 10.0 FAR. The height may be increased to 130 feet in the C-4 District on streets having a width of 110 feet or greater, such as K Street in this location. Further, PUDs constructed in the C-4 District may increase building density to 11.0 FAR. The Zoning Commission may also authorize a five percent increase in FAR and building in order to effectuate the successful functioning of the building.

The PUD process will allow the Applicants to provide important amenities to the community. First, the exceptional architectural design of the project, together with its superior landscaping and streetscaping elements, will make a significant contribution to this highly visible corner in the center of Washington's office corridor. Second, the Applicants will assist in the production of affordable housing units through a non-profit housing provider. The Applicants will also make significant contributions to the community through a First Source Employment Agreement, a Memorandum of Understanding with the Local Business Opportunity Commission, and improvements to Farragut Square in consultation with the National Park Service.

The developer for this proposal is the Charles E. Smith Co.; the architect is Pei Cobb Freed & Partners, with associate architects Weihe Design Group; and the land use counsel is Holland & Knight LLP.

Should you need additional information regarding the proposed PUD or rental of public space applications, please contact Whayne S. Quin or Carolyn Brown of Holland & Knight LLP at (202) 955-3000.

**NAME AND MAILING ADDRESS OF THE OWNERS OF
ALL PROPERTY WITHIN 200 FEET IN ALL DIRECTIONS FROM
ALL BOUNDARIES OF THE PROPERTY INVOLVED IN THE APPLICATION**

SQUARE	LOT	PREMISES ADDRESS	OWNER & MAILING ADDRESS
RES. 12		FARRAGUT SQUARE	U.S. GOVERNMENT NATIONAL PARK SERVICE ATTN: MR. JOHN PARSONS, DIRECTOR 1100 OHIO DRIVE, SW WASHINGTON, DC 20024
0126	0053	1715 I STREET, NW	CALVIN CAFRITZ 1825 K STREET, NW WASHINGTON, DC 20006-1202
0126	0056	1700 K STREET, NW	BERNARD S. GEWIRZ C/O 1700 K STREET ASSOCIATES 1000 CONNECTICUT AVE., NW SUITE 1110 WASHINGTON, DC 20036-5327
0126	0057	1776 K STREET, NW	RIDDELL PROP INC. C/O CHARLES E. SMITH CO. 2345 CRYSTAL DR. ARLINGTON, VA 22202-4801
0126	0058	1750 K STREET, NW	LA SOLANA DC INC. C/O CUSHMAN & WAKEFIELD 1875 I STREET, NW SUITE 700 WASHINGTON, DC 20006-5409
0126	0059	919 18 TH STREET, NW	919 18 TH STREET, NW L.P. C/O THE JOHN AKRIDGE CO. 601 13 TH STREET, NW SUITE 300N WASHINGTON, DC 20005-3870
0126	0060	1775 I STREET, NW	L&B 1775 EYE STREET, INC. C/O INSTITUTIONAL PROP. 1001 PENNSYLVANIA AVE., NW SUITE 100 WASHINGTON, DC 20004-2505
0126	0061	1727 I STREET, N.W.	FARRAGUT CENTER LLC Co. C/O TRISTATE COMMERCIAL 1150 18 TH STREET, NW SUITE 575 WASHINGTON, DC 20036-3842
0126	0802	1713 I STREET, NW	WESTAR LTD. PARTNERSHIP 1825 K STREET, NW WASHINGTON, DC 20006-1202
0126	0803	I STREET, NW	CALVIN CAFRITZ 1825 K STREET, NW 14 TH FLOOR WASHINGTON, DC 20006-1202
0126	0830	910 17 TH STREET, NW	KV SUN HOLDINGS, LP SUITE 410 3520 PIEDMONT RD., NE ATLANTA, GA 30305-1516

**NAME AND MAILING ADDRESS OF THE OWNERS OF
ALL PROPERTY WITHIN 200 FEET IN ALL DIRECTIONS FROM
ALL BOUNDARIES OF THE PROPERTY INVOLVED IN THE APPLICATION**

0126	0851	1730 K STREET, NW	BERNARD GEWIRZ C/O CHARLES E. SMITH CO. 2345 CRYSTAL DR. ARLINGTON, VA 22202-4801
0126	0852	900 17 TH STREET, NW	FARRAGUT LTD. PARTNERSHIP C/O QUADRANGLE DEVELOPMENT 1001 G STREET, NW WASHINGTON, DC 20001-4545
0126	0853	1727 I STREET, NW	CALVIN CAFRITZ 1019 19 TH STREET, NW SUITE 805 WASHINGTON, DC
0163	51	1775 K STREET, NW	UNION RETAIL CKS INT'L. C/O UFCW ACCTG. DEPT. 1775 K STREET, NW WASHINGTON, DC 20006-1502
0163	55	1050 CONNECTICUT AVE., NW	ALBERT ABRAMSON C/O WASHINGTON SQUARE L.P. 11501 HUFF CT. KENSINGTON, MD 20895-1043
0163	803 804 805 806	1725 K STREET, NW	RIGGS NAT'L BANK POST OFFICE BOX 96202 WASHINGTON, DC 20090-6202
0163	847	1000 CONNECTICUT AVE., NW	BERNARD S. GEWIRZ 1730 K STREET, NW SUITE 1103 WASHINGTON, DC 20006-3868
0163	849	1735 K STREET, NW	NAT'L ASSN. OF SECURITIES DEALERS, INC. 1735 K STREET, NW WASHINGTON, DC 20006-1516
0164	0002 0003	1001 CONNECTICUT AVE., NW SUITE 1210	WILLIAM B. WOLF 1001 CONNECTICUT AVE., NW SUITE 1210 WASHINGTON, DC 20036-5520
			ADVISORY NEIGHBORHOOD COMMISSION 2B POST OFFICE BOX 33224 WASHINGTON, DC 20033-0224

H

COMMERCE BUILDING ASSOCIATES, A JOINT VENTURE
RIDDELL BUILDING JOINT VENTURE
SUITE 1110
1000 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036-5327

April 10, 2001

Mr. Robert O. Boulter
President
Jubilee Enterprise of Greater Washington
1700 Kalorama Road, N.W., Suite 302
Washington, D.C. 20009

Re: Trenton Park Apartment Complex

Dear Mr Boulter:

Thank you for taking the time to meet with our representatives on April 5, 2001, concerning the Trenton Park Apartment Complex located at Mississippi Avenue and 6th Street, S.E. As discussed in that meeting, Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture (the "Owners") are filing an application for a planned unit development ("PUD") with the District of Columbia Zoning Commission for their property at 1700 and 1730 K Street, N.W. Under the requirements of the PUD process, the Owners must assist in the provision of affordable housing in the District as an amenity of the PUD.

To that end, the Owners were pleased to learn from the discussions that Jubilee Enterprises of Greater Washington ("Jubilee") is willing to accept the financial assistance of the Owners to renovate and rehabilitate a minimum of 13,000 square feet of space, constituting approximately twenty low-income rental apartment units, at the Trenton Park Apartment Complex. The Trenton Park Apartment Complex is located on 9.3 acres adjacent to Wheeler Hills Estates, a Housing Opportunity Area on the Generalized Land Use Map of the Comprehensive Plan. Consisting of twenty-five garden apartment buildings, Trenton Park was formerly plagued by deplorable insanitary conditions, crime and incessant drug activity. Since the mid-1990s, however, Trenton Park has staged a comeback under the leadership of Jubilee. Funds are still needed, however, to complete the renovations of the complex. Currently, there are approximately twenty units and common areas "off-line" waiting for repairs and upgrades. Through a business arrangement to be developed with Jubilee, the Owners will commit the funds necessary to assist in the rehabilitation at least 13,000 square feet of space at Trenton Park.

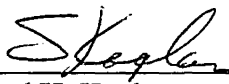


The Owners look forward to their continuing discussions with Jubilee to bring this project to fruition.

Very truly yours,

COMMERCE BUILDING ASSOCIATES,
A JOINT VENTURE

RIDDELL BUILDING JOINT VENTURE

By:  _____
Edward H. Kaplan

WAS1 #936389 v1

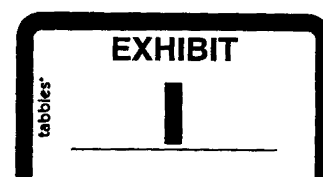
工

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DRAFT

MEMORANDUM OF UNDERSTANDING

Commerce Building Associates, a Joint Venture, and Riddell Building Joint Venture (collectively, the "Joint Venture"), in accordance with D.C. Law 1-95, D.C. Code Section 1-1-1141 et seq. (1987 Ed. as amended), and in consideration of the District of Columbia Government in granting the Joint Venture's request to approve Plan Unit Development ("PUD") known as D.C. Zoning Commission Case No. _____, at 1700 and 1730 K Street, N.W., in Square 126, Lots 56 and 851, commits to make a bona fide effort to utilize Local, Small or Disadvantaged Business Enterprises ("LSDBE") certified by the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation (the "35% Goal") in the contracted development costs in connection with the design, development, construction (including, but not limited to, pre-construction activities), maintenance and security for the project to be created as result of the PUD (the "Project"), including janitorial, refuse collection, provision of supplies and other similar post-construction activities relating to the Project, in accordance with the following provisions.

- A. The Joint Venture shall utilize the resources of the Department of Human Rights and Local Business Development ("DHRLBD"), including the Local Business Opportunity Commission's Directory of Certified Business Enterprises, and periodic updates, as the primary referral sources for LSDBEs. The primary contact for such referrals shall be the Director of the Department of Human Rights and Local Business Development (the "Director").
- B. The appropriate representatives of the Joint Venture who negotiate, sign and are responsible for the implementation of the Memorandum of Understanding with the DHRLBD agree to meet with the Joint Venture procurement and project officers to explore and develop ways for achieving the 35% Goal.
- C. The Joint Venture agrees to make a continuing bona fide effort to utilize LSDBEs for certain goods and services as may be required by the Joint Venture to conduct its daily operations and understands that such efforts will accrue toward the 35% Goal.
- D. Not later than (60) days following issuance of the final written Zoning Order creating the PUD, the Joint Venture agrees to submit a minority business plan (Attachment A) to DHRLBD for approval, which plan shall be incorporated in and made a part of this Agreement.
- E. Not later than thirty (30) days following the filing of an application for a building permit pursuant to the approved PUD, the Joint Venture



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will submit to DHRLBD a more extensive plan listing all of the projected procurement items, quantities and estimated costs, bid opening and closing dates, and start-up and completion dates. This plan should indicate whether any items will be bid without restriction in the open market, or limited to LSDBEs certified by the Local Business Opportunity Commission.

- F. The parties hereto understand and agree that the means of achieving the 35% Goal may vary according to the types of goods and services contracted for and the current availability of Certified LSDBEs. However, the Joint Venture agrees to make a bona fide effort to achieve, at a minimum, the 35% Goal over the life of the project.
- G. The Joint Venture further agrees to submit quarterly contracting and subcontracting reports to DHRLBD no later than thirty (30) days after the end of each calendar quarter; the quarterly report periods shall begin on January 1, April 1, July 1, and October 1. The quarterly report shall be submitted on a form provided by DHRLBD. These reports should include detailed documentation of outreach efforts to LSDBEs in order to determine bona fide efforts.
- H. The Joint Venture agrees to meet quarterly with DHRLBD staff on a mutually agreeable schedule to discuss LSDBE's progress on the Project.
- I. In the event that there are no LSDBEs in the District of Columbia which manufacture, construct, distribute, install, or otherwise supply the goods and services required to develop, construct, renovate and/or maintain the Project, the Joint Venture agrees to make bona fide efforts to achieve the 35% Goal through a broad scale approach to contracts with other local business enterprises certified by the District.
- J. The Joint Venture further agrees to include in the terms of its contractual agreements with the general/prime contractor and/or construction manager (in any of such events, the "Contractor"), language which puts the Contractor on notice that the Contractor is expected to make a bona fide effort to achieve the 35% Goal in (1) its own contracting with respect to the Project and (2) engaging subcontractors to perform work on the Project.
- K. The Joint Venture will publish, in a timely manner, a public notice in a newspaper of general circulation in the District of Columbia and in one or more other newspapers serving the District of Columbia local business community, to inform the business community as a whole of

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the overall project, including a general description of projected phases and anticipated time tables.

- L. For purposes of this agreement, it is agreed that bona fide effort means that the Joint Venture will obtain the following commitments from its General Contractor ("GC"):
1. The GC will publish a public notice in a newspaper of general circulation in the District of Columbia and in one or more other newspapers serving the District of Columbia local business community, designed to inform the business community as a whole of specific contracting and subcontracting procurement opportunities.
 2. The GC will publish notices in a newspaper of general circulation in the District of Columbia and in one or more other newspapers serving the District of Columbia local business community, soliciting bids for products or services being sought, and will allow a reasonable time for all bidders to respond to invitations/requests for bids.
 3. The GC will contact DHRLBD to obtain a current listing of all LSDBEs qualified to bid on major procurement as they arise.
 4. The GC will negotiate with all bidders pre-qualified by the Joint Venture and the GC, including LSDBEs to obtain each pre-qualified bidder's best and final price as understood in the marketplace.
 5. The GC will not require the LSDBEs provide bonding on contracts with a dollar value less than \$100,000, provided that in lieu of bonding the GC may accept a job specific certificate of insurance.
 6. The GC will design and include in all contracts and subcontracts a process for dispute settlement. This process shall incorporate an opportunity for the presentation of documentation involving the work performed and invoices regarding requests for payments. Included in the contract shall be a mutually agreed upon mediator and provisions for arbitration in accordance with the rules of the American Arbitration Association.
 7. The GC and subcontractors shall strictly adhere to their contractual obligations to pay all subcontractors in accordance with the contractually agreed upon schedule for payments. In the event that there is a delay in payment to the general

contractor, the GC is to immediately notify the subcontractor and advise as to the date on which payment can be expected.

- 8. The GC commits to pay all subcontractors, including LSDBEs, within fifteen (15) days following the GC's receipt of a payment, which includes funds for such subcontractors, from the Joint Venture. The Joint Venture agrees to require the project manager to establish a procedure for giving notice to the subcontractors of the Joint Venture payments to the GC.

- M. In order to encourage the Joint Venture to develop creative, cost competitive ways in which to meet its 35% Goal, DHRLBD will give credit negotiated by the parties for the opening up of opportunities in areas not traditionally provided to LSDBEs and/or expansion of opportunities in existing areas.

- N. If at the end of the first calendar quarter following the issuance of a building permit, the Joint Venture is unable to comply with the proposed utilization plan for the Project, representatives of the Joint Venture and the Director of DHRLBD shall confer with a view toward adjusting goals and strategies to extend the time of performance based on facts and circumstances.

DATED THIS _____ DAY OF _____, 200_.

**DEPARTMENT OF HUMAN RIGHTS/
LOCAL BUSINESS DEVELOPMENT**

**COMMERCE BUILDING
ASSOCIATES, A JOINT VENTURE**

By: **DRAFT**
Its: _____

**RIDDELL BUILDING JOINT
VENTURE**

By: **DRAFT**
Its: _____

FIRST SOURCE EMPLOYMENT AGREEMENT

DRAFT

Contract Number: _____

Contract Amount: _____

Project Name: _____

Project Address: _____ 1700 & 1730 K Street, N.W. _____ Ward: _____ 2 _____

This Employment Agreement, in accordance with D.C. Law 5-93 and Mayor's Order 83-265 for recruitment, referral, and placement of D.C. residents, is between the District of Columbia, Department of Employment Services, hereinafter referred to as DOES, and

_____, hereinafter, referred to as EMPLOYER. Under this Employment Agreement, the EMPLOYER will use DOES as its first source for recruitment, referral and placement of new hires or employees for the new jobs created by this project and will hire 51% D.C. residents for all new jobs created, as well, as 51% of apprentices employed in connection with the project shall be District residents registered in programs approved by the District of Columbia Apprenticeship Council.

I. General Term

- A. The EMPLOYER will use DOES as its first source for the recruitment, referral and placement of employees.
- B. The EMPLOYER shall require all contractors and subcontractors with contracts totaling \$100,000 or more to enter into a First Source Employment Agreement with DOES.
- C. DOES will provide recruitment, referral and placement services to the EMPLOYER subject to the limitations set out in this Agreement.
- D. DOES participation in this Agreement will be carried out by the Office of the Director, with the Office of Employer Services, which is responsible for referral and placement of employees, or such other offices or divisions designated by DOES.

- E. This Agreement shall take effect when signed by the parties below and shall be fully effective for the duration of the contract and extension or modifications to the contract.
- F. This Agreement shall not be construed as an approval of the EMPLOYER'S bid package, bond application, lease agreement, zoning application, loan or contract/subcontract.
- G. DOES and the EMPLOYER agree that for purposes of this Agreement, new hires and jobs created (both union and nonunion) include all EMPLOYER'S job openings and vacancies in the Washington Metropolitan Area created as a result of internal promotions, terminations and expansions of the EMPLOYER'S workforce, as a result of this project, including loans, lease agreements, zoning applications, bonds, bids and contracts.
- H. For purposes of this Agreement, apprentices as defined in D.C. Law 2-156, are included.
- I. The EMPLOYER shall register an apprenticeship program with the D.C. Apprenticeship Council for construction or renovation contracts or subcontracts totaling \$500,000 or more. This includes any construction or renovation contract or subcontract signed as the result of a loan, bond, grant, Exclusive Right Agreement, street or alley closing, or a leasing agreement of real property for 1 year or more.

II. Recruitment

- A. The EMPLOYER will complete the attached Employment Plan which will indicate the number of new jobs projected, salary range, hiring dates and union requirements. The EMPLOYER will notify DOES of its specific need for new employees as soon as that need is identified.
- B. Notification of specific needs, as set forth in Section II.A., must be given to DOES at least five (5) business days (Monday - Friday) before using any other referral source, and shall include, but need not be limited to, the number of employees needed by job title, qualification, hiring date, rate of pay,

hours of work, duration of employment and work to be performed.

- C. Job openings to be filled by internal promotion from the EMPLOYERS'S current workforce need not be referred to DOES for placement and referral.
- D. The EMPLOYER will submit to DOES, prior to starting work on the project, the names, and social security numbers of all current employees, including apprentices, trainees and laid off workers who will be employed on the project.

III. Referral

- A. DOES will screen and refer applicants according to the qualifications supplied by the EMPLOYER.

IV. Placement

- A. DOES will notify the EMPLOYER, prior to the anticipated hiring dates, of the number of applicants DOES will refer as agreed. DOES will make every reasonable effort to refer at least two qualified applicants for each job opening.
- B. The EMPLOYER will make all decisions on hiring new employees but will in good faith use reasonable efforts to select its new hires or employees from among the qualified persons referred by DOES.
- C. In the event DOES cannot refer the qualified personnel requested, within five (5) business days (Monday - Friday) from the date of notification, the EMPLOYER will be free to directly fill remaining positions for which no qualified applicants have been referred. In this event, the EMPLOYER will still be required to meet the 51% goal.
- D. After the EMPLOYER has selected its employees, DOES will not be responsible for the employees' actions and the EMPLOYER hereby releases DOES from any liability for employees' actions.

V. Training

DOES and the EMPLOYER may agree to develop skills training and on-the-job training programs; the

raining specifications and cost for such training will be mutually agreed upon by the EMPLOYER and DOES and covered in a separate Training Agreement.

VI. Controlling Regulations and Laws

- A. If this Agreement conflicts with any labor laws or governmental regulations, the laws or regulations shall prevail.
- B. DOES will work within the terms of all collective bargaining agreements to which the EMPLOYER is a party.
- C. The EMPLOYER will provide DOES with written documentation that the EMPLOYER has provided the representative of any involved collective bargaining unit with a copy of this Agreement and has requested comments or objections. If the representative has any comments or objections the EMPLOYER will provide them to DOES.

VII. Agreement Modifications, Renewal, and Monitoring

- A. If, during the term of this Agreement, the EMPLOYER should transfer possession of all or a portion of its business concerns affected by this Agreement to any other party by lease, sales, assignment or otherwise, the EMPLOYER as a condition of transfer shall:
 - 1. Notify the party taking possession of the existence of the EMPLOYER'S Agreement.
 - 2. Notify the party taking possession that full compliance with this Agreement is required in order to avoid termination of the project.
 - 3. EMPLOYER shall, additionally, advise DOES within seven (7) days of the transfer. This advice will include the name of the party taking possession and the name and telephone of that party's representative.
- B. DOES shall monitor EMPLOYER'S performance under this Agreement. The EMPLOYER will cooperate in DOES' monitoring effort and will submit a Contract Compliance Form to DOES monthly.

- C. To assist DOES in the conduct of the monitoring review, the EMPLOYER will make available payroll and employment records for the review period indicated.
- D. If additional information is needed during the review, the EMPLOYER will provide the requested information to DOES.
- E. The EMPLOYER and DOES, or such other agent as DOES may designate, may mutually agree to modify this Agreement.
- F. The project may be terminated because of the EMPLOYER'S non-compliance with the provisions of this Agreement.

Dated this _____ day of _____ 20_____

Signed: **DRAFT**

DEPARTMENT OF EMPLOYMENT SERVICES

SIGNATURE OF EMPLOYER

DRAFT

NAME OF COMPANY

ADDRESS

DRAFT

TELEPHONE

EMPLOYMENT PLAN

Instructions:

- o Submit original to the Department of Employment Services (DOES) with First Source Employment Agreement.
- o Upon approval of project by the originating agency, DOES will contact Employer.

NAME OF FIRM _____

ADDRESS _____

TELEPHONE NUMBER _____ FEDERAL IDENTIFICATION NO. _____

CONTACT PERSON _____ TITLE _____

TYPE OF BUSINESS _____

ORIGINATING DISTRICT AGENCY _____

TYPE OF PROJECT _____ FUNDING AMOUNT _____

PROJECTED START DATE _____ PROJECT DURATION _____

NEW JOB CREATION PROJECTIONS (Attach additional sheets, as needed.)
Please indicate the new position(s) your firm will create as a result of this project.

	JOB TITLE	# OF JOBS		SALARY RANGE	UNION MEMBERSHIP REQUIRED NAME LOCAL#	PROJECTED HIRE DATE
		F/T	P/T			
A						
B						
C						
D						
E						

5

Law Offices

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

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New York	West Palm Beach
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Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo
*Representative Offices	

April 16, 2001

WHAYNE S. QUIN
202-663-7274

Internet Address:
wquin@hklaw.com

Mr. Denzil Noble
Administrator
Building and Land Regulation Administration
D.C. Department of Consumer and
Regulatory Affairs
941 North Capitol Street, N.E., Second Floor
Washington, D.C. 20002

Re: Application for Rental of Public Air Space
Over Public Alley in Square 126

Dear Mr. Noble:

Pursuant to the Public Space Utilization Act, Commerce Building Associates, a Joint Venture and Riddell Building Joint Venture, owners of the property at 1700 and 1730 K Street, N.W., respectively, (Square 126, Lots 56 and 851), hereby apply for a lease agreement with the District to rent public air space over a portion the alley abutting their property in the interior of Square 126.

The owners propose to construct a new office building on their property through the planned unit development ("PUD") process. In order to maximize the benefits of the PUD, the owners wish to extend a portion of the building footprint 5.5 feet over the public alley cul-de-sac at the rear of the site, and approximately 2.375 feet at the southwest corner of the site, as shown on the attached plans (see Attachment A).

The property is located in the C-4 District, with a street frontage of approximately 265 feet along K Street, N.W., and approximately 120 feet along 17th Street, N.W. The building will be constructed to a height of 130 feet, and will have a floor area ratio ("FAR") of 11.08 within the private property lines, and an FAR of 0.06 in the public space. The building as proposed will meet the all the

requirements of the Zoning Regulations as permitted under the PUD process that would be applicable to the building if it were constructed entirely on private property.

Designed by the world-renown architectural firm of Pei Cobb Freed & Partners in association with the highly acclaimed local firm of Weihe Design Group, the K Street façade will be articulated in glass with polished stainless steel window frames, textured stainless steel colonettes and spandrel covers. The "glass" façade along 17th Street will be framed more formally with stone lintels and piers in to deference to its location across from Farragut Square. In accordance with the provisions of the Public Space Utilization Act, the portion of the building to be constructed into public air space will have a minimum clearance of fifteen feet above the grade of the alley.

The small area of public space to be rented does not deprive other parties of light and air by virtue of the current alley configuration. The building will project only 5.5 feet into the northern alley cul-de-sac, which is surrounded on three sides by the Applicant's private property. The closest neighboring property is more than 20 feet away. The modest triangular piece to project over the alley at the corner of the building, consisting of only 7.5 square feet of land area, likewise will not impinge upon the light and air of adjacent properties. The extremely small size of this area and its location at the intersection of two interior alleys will continue to allow ample light and air to reach other parties.

In support of this application, the following materials are provided for your consideration:

1. Architectural drawings (including plans, elevations and sections) of the proposed new building (Attachment A);
2. A draft lease agreement for the rental of public air space (Attachment B);
3. A title insurance binder showing the ownership of property abutting the air space to be leased (Attachment C); and
4. Copies of building plat showing the affected property and public space (Attachment D).

Mr. Denzil Noble
April 13, 2001
Page 3

Should you need any additional information or have any questions regarding this application, please do not hesitate to call me at (202) 663-7274 or my associate, Carolyn Brown, at (202) 862-5990.

Very truly yours,


Wayne S. Quin


Carolyn Brown

Attachments

cc: Commerce Building Associates
Riddell Building Joint Venture
Michael Tyler
Roy Barris
Roger Strassman

WAS1 #906779 v2

K

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 166

CASE NO. 76-27

July 21, 1977

Pursuant to notice, a public hearing of the Zoning Commission ("Commission") was held on May 16, 1977 on an application for approval of the use of air space pursuant to the District of Columbia Public Space Utilization Act, October 17, 1968, as compiled at Section 7-941, et Seq., D. C. Code (1973), requested by The John Akridge Company.

FINDINGS OF FACT

1. The applicant requests approval as provided by the District of Columbia Public Space Utilization Act (the "Act"), October 17, 1968, compiled at Section 7-941, et Seq., D. C. Code (1973), of the use of public space above and below a 15 foot east-west public alley entering from 15th Street adjoining Lots 3, 4, 5, 807, 808, 809 and 810 in Square 216.
2. The application comes to the Commission under the provisions of Section 7-944 of the Act which provides in pertinent part as follows: "The Commissioner may execute a lease of air space under this Act if -...

2. The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such air space and has established regulations applicable to the use of such air space consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off street parking and floor area ratios applicable to such structure, and easements of light, air, and access . . .
3. The Commission finds that the entire site including

WILKES & ARTIS

JUL 25 1977

WASHINGTON, D. C.

EXHIBIT

K

the alley and the lots on either side, is to be treated as one parcel of land as is hereinafter more fully described.

4. The private properties involved in this application abutting the public alley contain a total square footage of 17,481 square feet. The alley area contains 1,200 square feet. The site is located entirely within the C-4 zoning classification and thus pursuant to Section 7-944, of the Air Space Act, the regulations for the use of the structures to be erected in the air space should be consistent with the C-4 regulations.
5. The building proposed will be for typical C-4 occupancy with office and commercial retail uses. Office uses will be located on floors two through twelve. Commercial retail uses will be located on the first floor and may also be on the second floor with some retail uses also located below grade. The below grade levels will also be used for off-street parking. The building will utilize existing public services such as water, sanitary and storm sewers, electricity and telephone.
6. In the plans before the Commission, the applicant has applied an F.A.R. of 10.0 to the private property on either side of the public alley and an F.A.R. of 9.0 to the public alley area under consideration. The total gross floor area for the site would thus be approximately 185,610 square feet.
7. The height of the building is proposed to be 130 feet as permitted in the C-4 District. A vertical clearance of a minimum of 15 feet will be provided over the public alley from finished grade. The applicant will provide space below the surface of the alley (approximately 4 feet) for the accommodation of existing and proposed utilities. Below this utility space area, public space will be utilized for garages and commercial purposes.
8. The building is designed as a single building and as such the alley access will continue with one modification. The applicant will provide a three foot easement on the north side of the existing alley to permit better circulation.

9. As a result of the two referrals made to the National Capital Planning Commission, required by the Public Space Utilization Act and the Home Rule Act the Planning Commission has recommended favorably on the application by indicating that the proposed use for the air space is consistent with the "General Land Use Objectives: 1970/85" element of the Comprehensive Plan as well as with paragraphs 200.21 and 393.11 of the Comprehensive Plan. The Planning Commission also has determined that the proposed use conforms with the Downtown Urban Renewal Plan in that such plan calls for the uses in this square to be "combined office and commercial". Finally, the Planning Commission has determined that the proposed leasing of air space will not have a negative impact on the Federal establishment or other Federal interests in the National Capital region.
10. The building as proposed will meet all the requirements of the Zoning Regulations that would be applicable to the building if it were constructed entirely on private property.
11. Open space at the rear of the building will be provided through an open court. Windows will be provided on the front of the building on all street facades, and at the rear of the building where the building abuts the open court and public alley, and on the north end of the building. The northern end windows are being provided even though at a future date they may be blocked if and when an adjacent building is constructed in accordance with the C-4 Zone.
12. The roof structure that will be provided will meet the zoning requirements and will not require the Board of Zoning Adjustment approval. The roof structure will have an F.A.R. of approximately .18 and will have the required setback in accordance with the Zoning Regulations and will not exceed a height of 18 feet 6 inches.
13. There were no parties in support of or in opposition to the application. The Washington Board

of Realtors filed a letter in support of the application. One resident of the Dupont Circle area appeared in opposition to the approval of the use of air rights in general and to this specific project.

CONCLUSIONS OF LAW

1. The Zoning Commission of the District of Columbia, must determine the use and Zoning Regulations applicable to the use of air space, consistent with zoning applicable to abutting privately owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in Section 7-944 D. C. Code wherein Congress has provided that the Commission must establish such regulations "consistent with regulations applicable to the abutting privately owned property including limitations and requirements respecting the height of any structure to be erected in such air space, off street parking and floor area ratios applicable to such structure, and easements of light, air and access. . ."
2. The Commission concludes, that the phrase "structure to be erected in such air space" contained in Section 7-944 D. C. Code includes the entirety of any structure of which a part is to be erected within air space. The Commission has the authority to adopt regulations applicable to the air space and the parcels assembled in conjunction therewith.
3. The instant application for use of air space is an appropriate utilization of air space under the terms of the District of Columbia Space Utilization Act.

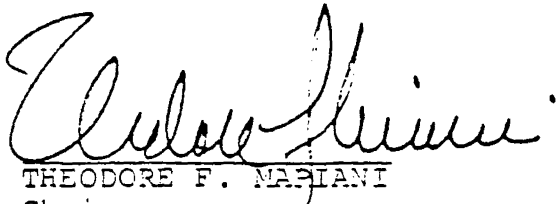
DECISION

The Zoning Commission therefore orders APPROVAL of the application for use of public space above and below the fifteen (15) foot east-west alley, entering from 15th Street, N. W., in Square 216 and the related construction on Lots 3, 4, 5, 807, 808, 809 and 810 subject to the following conditions:

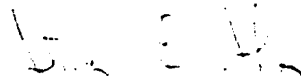
1. The structure shall be designed to constitute one building and meet the zoning requirements as such. Said building will occupy the air space over and under the alley together with a record lot to the south and record lot to the north. The lease agreement should contain provisions to assure that the building will not be divided in the future.
2. Use of the aforementioned building shall be in accordance with the C-4 District Regulations.
3. The height of the building shall not exceed 130 feet plus roof structure.
4. A maximum F.A.R. of 10 may be applied to those portions of the building located on private property. A maximum F.A.R. of 9.0 may be applied to the area of the alley itself.
5. A three (3) foot easement shall be provided along the north side of the alley and a smooth turning radius for vehicles shall be provided at the rear of the building.
6. No structures shall be permitted within the first fifteen (15) feet above the surface of the alley and the 3 foot easement. No private development shall be permitted within the first four (4) feet below the surface of the alley, which space shall be reserved for utilities.
7. The alley and easement areas shall be kept appropriately lighted and signed to identify them for public use as an alley.

ZONING COMMISSION ORDER NO. 166
CASE NO. 76-27
Page No. 6

The vote of the Commission was 4-0 (Walter B. Lewis, George M. White, Theodore F. Mariani and Ruby B. McZier in favor, Richard L. Stanton, not present, not voting).



THEODORE F. MARIANI
Chairman
D C Zoning Commission



STEVEN E. SHER
Executive Director
D C Zoning Secretariat

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 487

Case No. 85-14

April 21, 1986

(Luigi's Bridge - Use of Public Air Space)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on January 9, 1986. At that hearing session the Zoning Commission considered an application from Giobatta C. Bruzzo, Luigi, Inc., Debora C. Bruzzo Trust and Giobatta C. Bruzzo, Jr., Trust, for review and approval of the use of airspace over a public alley, pursuant to the District of Columbia Public Space Utilization Act of October 17, 1968, as compiled at Section 7-941 et. Seq. D.C. Code (1973). The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed September 5, 1985, requested review and approval of the use of airspace above a public alley between lots 43 and 61 in Square 117.
2. The Zoning Commission's jurisdiction in the execution of airspace leases, pursuant to the District of Columbia Public Space Utilization Act of October 17, 1968, requires in part, that:

"The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, off street parking and floor area ratios applicable to such structure, and easements of light, air, and access;"

3. The applicants, Luigi, Inc. et. al., propose to execute a lease for the use of airspace with the Government of the District of Columbia to construct an expansion to their existing restaurant. The addition will increase the dining facility and will be located fifteen feet above the public alley between lots 43 and 61. Lots 43 and 61 are located in a C-3-C zone district.
4. The C-3-C District permits matter-of-right major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.
5. The subject site is located between lots 43 and 61 in Square 117 on the west side of 19th Street between L and M Streets, N.W. The site consists of approximately 1,035 square feet of alley area.
6. The adjacent restaurant, lot 43, occupies 1,760 square feet and has two floors for a total gross area of 3,520 square feet. The construction of the 1,000 foot addition would bring the gross square footage to 4,520 square feet at a floor area ratio (FAR) of 2.53.
7. The zoning pattern in the immediate area of the subject site to the north, west and south is in the C-3-C District, and to the immediate east, southeast and northeast area is in the C-4 District.
8. Across 19th Street from the subject site are high-rise office buildings from L to M Streets. Across 20th Street from the subject site is the Lafayette Plaza PUD development. There are three townhouse structures abutting the subject alley.
9. The Commission finds that the subject site is in a high density commercial area, according to the Land Use Element of the Comprehensive Plan.
10. The applicants proposed to construct a one-story connector over public airspace to allow for additional dining for the adjoining Luigi's Restaurant. The addition will measure from the building line at 19th Street to a depth of sixty-four feet, beginning fifteen feet above the alley surface, fifteen feet wide, nineteen feet in height and containing approximately 980 square feet of floor area.
11. The applicants indicated that the proposed construction, "Luigi's Bridge", was the only way to expand onto the current Luigi's Restaurant. They indicated, through testimony at the public hearing that

providing a third floor addition to the existing structure was not feasible.

12. The applicants indicated that the proposed structure would architecturally and aesthetically unify the middle of the block while expanding opportunities for pedestrians to dine in the business district dominated by large office building type structures.
13. The applicants, through their project architect, testified that it was more economical to develop horizontally instead of vertically because the existing roof was sloped and served to locate the existing mechanical equipment for the restaurant. The architect believed that the roof could not support an additional floor, but that the bearing walls possibly could support an additional floor, as a result of soil tests.
14. The applicants contended that the requested air rights lease has no negative impact on any abutting privately owned property or property in close proximity.
15. The applicants indicated that working with the District of Columbia Government agencies to undergo the process of securing a lease agreement for use of public air-space over the past three years has resulted in limited timing to proceed in the construction of the proposed project.
16. The applicants, through their project architect, indicated the following, as a result of meetings with the Office of Planning:
 - a. The alley will remain open to all traffic during and after construction. At the beginning of construction the alley will be blocked off for a period of less than 6 hours while the steel beams are placed. After that, the materials will be set on the deck as they arrive;
 - b. The addition will be one story and will be brick and there will be no signage whatsoever on the addition;
 - c. Raising the floor increases the number of steps from the existing restaurant to the addition. This creates an excessive burden on both customers and service personnel and is respectfully declined;
 - d. Lights will be added along each side of the alley (6 per side). Existing windows will not be infilled with brick, except where a

substantial part of the window is covered by the addition; and

- e. All existing electrical, telephone, and gas piping will be relocated so that it is hidden within the addition and the rear facade will be brick and will have a direct relationship with the front.
17. The applicants, indicated that parking for the project would be impossible and there were no plans to incorporate parking spaces on the subject site. They further contended that there were no parking and loading requirements because of credits associated with the existing uses and the construction of the addition would not require on-site parking or loading. The Commission disagrees.
 18. The applicants indicated that there were numerous parking facilities which could be used by patrons in the surrounding area. They indicated that most of their daytime patrons are pedestrians and not motorists and would come to the restaurant for mid-day and evening dining immediately after business hours.
 19. The District of Columbia Office of Planning (OP), by memorandum dated December 30, 1985 and by testimony presented at the public hearing, recommended approval of the application, noting that the air rights and functional aspects of the alley are significant issues in this case. The OP indicated that the proposed use of air rights project would provide additional restaurant space and employment opportunities which are an economic development objectives for Central Employment Area.
 24. The OP recommended approval of the application provided that the applicants address the following:
 - a. The alley shall be kept free from obstruction and open to vehicular and pedestrian traffic with appropriate signs, including during the construction period;
 - b. The addition would be one-story high and of brick construction to express continuity of the facade at 19th Street;
 - c. The passageway under the proposed restaurant addition should be designed as a positive element of the building complex, not as leftover space. The passageway should be constructed with a vaulted ceiling, springing from the horizontal members on either side

and repeating the shape of the brick soldier course arch above the upper window on the front facade, raising the floor level inside by about 15 inches, as compared to the drawings on file;

- d. The passageway should be provided with appropriate lighting to protect the functional state of the alley. The windows currently proposed to be infilled with brick would be kept open and functional;
- e. The wiring and utilities connections should be located somewhere other than the passageway walls;
- f. The rear facade, which can be seen fromn 20th Street, should be designed with some recall of the overall character of the 19th Street; and
- g. The signage should not include flashing lights.

21. The District of Columbia Department of Public Works (DPW), by report dated December 23, 1985, indicated the following:

- a. The proposed air rights structure complies with the Air Rights Regulations of the District of Columbia relative to minimum height clearance;
- b. The alley in question has extensive interior loading operations which necessitate that the trucks use the fifteen foot-wide east-west alley for access to a thirty foot-wide interior alley system. Access is available from 20th Street into the alley interior and it is expected that traffic disruption would be minimal during the construction phase. It is necessary for the applicants to obtain the signatures of all affected parties on a letter authorizing the closing;
- c. There are no alley lights within the alley segment which is being bridged. It may be necessary for the applicants to provide additional lighting within the alley to enhance pedestrian and vehicular safety; and
- d. If the application is approved, the following two conditions should be included in any air-space use lease agreement:

- i. A paragraph containing a proviso that failure to make an annual payment of rent for the use of the public space shall be a basis for termination of the lease; and
 - ii. Cancellation or termination of the required liability insurance policy will also terminate the lease agreement.
22. There was no report from Advisory Neighborhood Commission - 2B in support of or opposition to this application.
23. The 1120 - 19th Street Limited Partnership, by submission dated February 20, 1986, included but was not limited to, the following issues in opposition:
 - a. The alley, because of the one-way street configuration in the neighborhood, serves a major thoroughfare between 20th and 19th Streets, N.W., contrary to Z.C. Case No. 76-27, the only case heard regarding use of airspace;
 - b. The alley provides interior loading access to nearly all buildings in the block bounded by L, M, 19th and 20th Streets, contrary to Case No. 76-27;
 - c. The applicants are submitting an unacceptable design of the "bridge";
 - d. The applicants have already expanded its business onto public space with a sidewalk cafe, so a second grant of public airspace should be conditioned upon compliance with applicable zoning regulations;
 - e. There is no rationale for the applicants to evade parking requirements enacted for the benefit of the public;
 - f. The subject proposal ignores handicapped accessibility under the D.C. Architectural Business Act, D.C. Code §6-1701 and §6-1703;
 - g. Increased potential exists for impairing firefighting apparatus to traverse the alley or ladder access to rise over the bridge structure. Neither is there any new emergency exit;

- h. Increased public health risks from additional garbage, rats, toxious and odors could exist; and
 - i. The addition of the tunnel from the bridge structure will not improve or enhance the streetscape.
24. Stanley D. Jones, Esq., on behalf of 1112 - 19th Street Associates, by letter dated December 12, 1985, indicated concerns about approval of the application with regard to the surrounding merchants relying upon the subject alley system for transporting goods in and out of loading docks of Jos. A. Bank Clothiers, and T.H. Mandy Sports Wear and has a direct negative impact if any construction barriers are introduced.
25. The Commission finds that the major issue, on which this case turns, is whether the applicants satisfied the criteria for the execution of airspace leases, as indicated in Finding No. 2 of this order.
26. The Commission does not believe that the proposed use is inappropriate but finds that issues associated with access and parking are not adequately resolved.
27. The Commission does not concur with the recommendation of the Office of Planning.
28. The Commission finds that the alley system provides vital access for service to the interior of Square 117 and several businesses. The Commission believes that the temporary closing of that alley for the purpose of construction would cause severe damage to the operations of many businesses that use the alley. The Commission is not persuaded that the temporary closing and disruption of the alley would take only six hours.
29. The Commission finds that the applicants have not made adequate provisions for the handicapped to gain access to the proposed expanded dining area.
30. The Commission notes the applicants existing use of public space in the right-of-way of 19th Street. The Commission believes that the number of patrons that would be accommodated in that area, the existing restaurant and the proposed addition would generate trash collection, parking, and loading needs that were not adequately addressed by the applicants.

CONCLUSIONS OF LAW

1. The Zoning Commission of the District of Columbia, must determine the use and Zoning Regulations applicable to

the use of airspace, consistent with zoning applicable to abutting privately owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in Section 7-944 D.C. Code wherein Congress has provided that the Commission must establish such regulations "consistent with regulations applicable to the abutting privately owned property including limitations and requirements respecting the height of any structure to be erected in such airspace, off-street parking and floor area ratios applicable to such structure, and easements of light, air and access. . ."

2. The Commission concludes, that the phrase "structure to be erected in such airspace" contained in Section 7-944 D.C. Code includes the entirety of any structure of which a part is to be erected within airspace. The Commission has the authority to adopt regulations applicable to the airspace and the parcels assembled in conjunction therewith.
3. The instant application, pursuant to the terms of the District of Columbia Space Utilization Act, is not an appropriate utilization of airspace because of unresolved criteria including access and off-street parking.
4. The applicants have not carried the burden of proof necessary to sustain the approval of said application pursuant to Section 7-1034(2) of the District of Columbia Code.
5. The Zoning Commission could not accord to the Advisory Neighborhood Commission 2B the "great weight" to which it is entitled, as no statement in support of or in opposition to the application was entered into record.

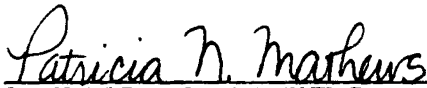
DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders that this application for use of public airspace above an alley between lots 43 and 61 in Square 117 on the west side of 19th - Street between L and M Streets, N.W. be DENIED.

Vote of the Commission taken at the public meeting on March 10, 1986: 4-0 (Patricia N. Mathews, Lindsley Williams, Maybelle T. Bennett and John G. Parsons, to deny - George M. White, not voting not having participated in the case).

This order was adopted by the Commission at a special public meeting on April 21, 1986, by a vote of 4-0 (Maybelle T. Bennett and Patricia N. Mathews, to adopt as amended; John G. Parsons, to adopt by absentee vote; and Lindsley Williams, to adopt as amended by absentee vote - George M. White, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on MAY 5 1986.



PATRICIA N. MATHEWS
Chairperson
Zoning Commission



CECIL B. TUCKER
Acting Executive Director
Zoning Secretariat

order#487/LJPN

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 545

Case No. 85-14

December 3, 1987

Luigi's Bridge - Use of Public Space

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on January 9, 1986. At that hearing session, the Zoning Commission considered an application from Giobatta C. Bruzzo, Luigi's, Inc., Debora C. Bruzzo Trust and Giobatta C. Bruzzo, Jr., Trust, ("Applicants") for review and approval of the use of air-space over a public alley, pursuant to the District of Columbia Public Space Utilization Act of October 17, 1968, as compiled at Section 7-941 et. Seq. D.C. Code (1973). The public hearing was conducted in accordance with provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission. In Order No. 487, dated April 21, 1986, the Commission denied this application. Thereafter, applicants filed a petition in the District of Columbia Court of Appeals for review of the Commission's action. By order filed November 24, 1986, the Court remanded the case to the Commission for further proceedings. The Commission has now considered the application in light of the remand.

FINDINGS OF FACT

1. The application, which was filed September 5, 1985, requested review and approval of the use of airspace above a public alley between lots 43 and 61 in Square 117.
2. The Zoning Commission's jurisdiction in the execution of airspace leases, pursuant to the District of Columbia Public Space Utilization Act of October 17, 1968, requires in part, that:

"The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height

of any structure to be erected in such airspace, offstreet parking and floor area ratios applicable to such structure, and easements of light, air, and access...."

3. Applicants propose to execute a lease for the use of airspace with the Government of the District of Columbia to construct an expansion to their existing restaurant. The addition will increase the dining facility and will be located fifteen feet above the public alley between lots 43 and 61. Lots 43 and 61 are located in a C-3-C zone district.
4. The C-3-C District permits matter-of-right major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one-hundred percent.
5. The site is located between lots 43 and 61 in Square 117, on the west side of 19th Street between L and M Streets, N.W. The site consists of approximately 1,035 square feet of alley area.
6. The adjacent restaurant, on lot 43, occupies 1,760 square feet and has two floors for a total gross area of 3,520 square feet. The construction of the 1000 foot addition would bring the gross square footage to 4,520 square feet, with an FAR of 2.53.
7. The zoning pattern in the immediate area of the site is C-3-C to the north, west, and south; and C-4 to the immediate east, southeast, and northeast.
8. Across 19th Street from the site, from L to M Streets, are high-rise office buildings. Across 20th Street from the site is the Lafayette Plaza PUD. Three townhouses structures abut the alley.
9. The site is in a high density commercial area, according to the Land Use Element of the Comprehensive Plan.
10. Applicants propose to construct a one-story connector over public airspace to allow for additional dining for the adjoining Luigi's Restaurant. The addition will have a depth of sixty-four feet from the building line at 19th Street; be fifteen feet wide; be nineteen feet in height, beginning fifteen feet above the alley surface; and contain approximately 980 square feet of floor area.
11. Applicants contended that parking for the project would be "impossible," and there were no plans to incorporate parking spaces on the site. They further contended

that there were no parking and loading requirements because of credits associated with the existing uses, and the construction of the addition would not require on-site parking or loading.

12. The District of Columbia Office of Planning (OP), by memorandum dated December 30, 1985, and by testimony presented at the public hearing, recommended approval of the application, noting that the air rights and functional aspects of the alley are significant issues in this case. OP indicated that the proposed use of airspace project would provide additional restaurant space and employment opportunities, which are economic development objectives for the Central Employment Area.
13. OP recommended approval of the application, provided that the applicants address the following:
 - a. The alley shall be kept free from obstruction and open to vehicular and pedestrian traffic with appropriate signs, including during the construction period;
 - b. The addition would be one-story high and of brick construction to express continuity of the facade at 19th Street;
 - c. The passageway under the proposed restaurant addition should be designed as a positive element of the building complex, not as leftover space. The passageway should be constructed with a vaulted ceiling, springing from the horizontal members on either side and repeating the shape of the brick soldier course arch above the upper window on the front facade, raising the floor level inside by 15 inches, as compared to the drawings on file;
 - d. The passageway should be provided with appropriate lighting to protect the functional state of the alley. The windows currently proposed to be infilled with brick would be kept open and functional;
 - e. The wiring and utilities connections should be located somewhere other than the passageway walls;
 - f. The rear facade, which can be seen from 20th Street, should be designed with some recall of the overall character of the 19th Street; and,
 - g. The signage should not include flashing lights.

14. The District of Columbia Department of Public Works, by report dated December 23, 1985, indicated the following:
 - a. The proposed air rights structure complies with the Air Rights Regulations of the District of Columbia relative to minimum height clearance;
 - b. The alley in question has extensive interior loading operations which require trucks to use the east-west alley for access to an interior alley system. Access is also available from 20th Street into the alley interior, and it is expected that traffic disruption would be minimal during the construction phase.
 - c. There are no alley lights within the alley segment which is being bridged. It may be necessary for applicants to provide additional lighting within the alley to enhance pedestrian and vehicular safety; and
 - d. If the application is approved, the following conditions should be included in any airspace use lease agreement:
 - i. a paragraph containing a proviso that failure to make an annual payment of rent for the use of the public space shall be a basis for termination of the lease; and
 - ii. cancellation or termination of the required liability insurance policy will also terminate the lease agreement.
15. Advisory Neighborhood Commission (ANC) 2E did not submit a report in support of or opposition to this application.
16. The 1120 - 19th Street Limited Partnership, by submission dated February 20, 1986, included but was not limited to, the following issues in opposition:
 - a. The alley, because of the one-way street configuration in the neighborhood, serves a major thoroughfare between 20th and 19th Streets, N.W., contrary to Z.C. Case No. 76-27, the only case heard regarding use of airspace;

- b. The alley provides interior loading access to nearly all buildings in the block bounded by L, M, 19th and 20th Streets, contrary to Case No. 76-27;
 - c. The applicants are submitting an unacceptable design of the "bridge";
 - d. The applicants have already expanded their business onto public space with a sidewalk cafe, so a second grant of public airspace should be conditioned upon compliance with applicable zoning regulations;
 - e. There is no rationale for the applicants to evade parking requirements enacted for the benefit of the public;
 - f. The subject proposal ignores handicapped accessibility under the D.C. Architectural Business Act, D.C. Code §6-1701 and §6-1703;
 - g. Increased potential exists for impairing firefighting apparatus to traverse the alley or ladder access to rise over the bridge structure. Neither is there any new emergency exit;
 - h. Increased public health risks could exist from additional garbage, rats, and noxious odors;
 - i. The addition of the tunnel from the bridge structure will not improve or enhance the streetscape.
17. The Commission has several specific areas of concern about the application: (1) the size of the existing sidewalk cafe; (2) the design of the facade and the arch; (3) trash collection; (4) loading; (5) parking; and (6) access for the handicapped.
18. After the District of Columbia Court of Appeals remanded this case to the Commission for further proceedings, the Commission undertook to identify these issues clearly, to the end that the applicants would be able to address them.
19. The Commission had expressed its concerns about handicapped access, parking, alley access, and loading in Commission Order No. 487. By letters dated February 17, 1987, and March 12, 1987, applicants' counsel was given opportunities to file further submissions.

20. In a submission dated March 23, 1987 (Exhibit 60), the applicants explicitly identified these issues as ones it was addressing in the submission. However, the Commission finds that applicants did not therein address the issues in any substantive, practical way. That is, applicants did not submit a viable plan to treat the areas of concern. Rather, applicants undertook to persuade the Commission that its concerns were not well founded.
21. After the Commission considered Exhibit No. 60, the Commission, through staff, wrote applicants' counsel, identified several areas of continuing concern, and stated that the Commission would be prepared to decide the case on the basis of the extant record. In reply, the applicants stated that they were prepared to reduce the size of the sidewalk cafe by 90 square feet, and to take other measures with respect to the sidewalk cafes, and would be willing to submit a revised design and to take reasonable steps to resolve any concerns that the Commission may have.
22. The Commission remains concerned about the application, because the applicants have not submitted an adequate, concrete proposal for resolution of its concerns.
23. Notwithstanding the foregoing, the Commission finds that the provisions of the Zoning Regulations which generally control use and development in a C-3-C District, together with regulations specifically applicable to the proposed use and structure, will reasonably accommodate those concerns.
24. The proposed action of the Zoning Commission to approve the application with regulations was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated November 20, 1987, indicated that the proposed regulations would not adversely affect the federal establishment or the federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Zoning Commission for the District of Columbia must determine the use and zoning regulations applicable to the use of airspace, consistent with zoning applicable to abutting privately owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in section 7-1034, D.C. Code, wherein it is provided that the Commission must establish such

regulations "consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, off-street parking and floor area ratios applicable to such structure, and easements of light, air and access...."

2. The Commission concludes, that the phrase "structure to be erected in such airspace" includes the entirety of any structure of which a part is to be erected within airspace. The Commission has the authority to adopt regulations applicable to the airspace and the parcels assembled in conjunction therewith.
3. The proposed use of airspace pursuant to the regulations which generally apply to the C-3-C District, together with regulations which apply to the specific site, is reasonable.
4. Approval of the application would be consistent with the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
5. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
6. The proposed application can be approved with conditions which insure that development would not have an adverse affect on the surrounding community.
7. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the text and maps of the Zoning Regulations of the District of Columbia.

DECISION

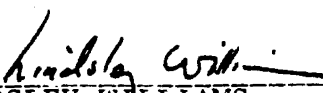
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders approval of this application for use of public airspace above an alley between lots 43 and 61 in Square 117 on the west side of 19th Street, between J and M Streets, N.W., pursuant to the following regulations:

1. The airspace shall be developed and used in compliance with the use, height, bulk, density, loading, parking, and all other provisions of Title 11, DCMR, "Zoning", which apply to matter-of-right development and use of land in the C-3-C District.


2. The structure in the airspace and the connected structures on lots 43 and 61 shall be deemed to constitute one building, and shall comply as such with the requirements of this order.
3. A maximum FAR of 1.0 may be used in the area of the alley.
4. All required parking, loading, and facilities for refuse compaction, storage, and pick-up, for the entire building, shall be located on lot 61 or lot 43.
5. The entire building shall provide for equal access by handicapped persons.
6. No portion of the airrights structure shall be permitted within the first fifteen feet above the surface of the public alley.
7. Applicant shall file an application for a building permit within six months of the final date of this order.
8. The Zoning Commission shall retain jurisdiction to review and approve the design of the structure, after the Zoning Administrator has ruled that the applicant has complied with condition number 1 through 6 of this order.

Vote of the Zoning Commission, taken at the public meeting on October 13, 1987; 4-0 (John G. Parsons, Maybelle T. Bennett, and Lindsley Williams to approve, and Patricia N. Mathews to approve by proxy; George M. White, not voting, not having heard the case).

This order was adopted by the Commission at a public meeting on December 3, 1987, by a vote of 3-1 (John G. Parsons, Maybelle T. Bennett, and Lindsley Williams to approve; Patricia N. Mathews to deny by proxy; and George M. White not voting, not having heard the case). In accordance with 11 DCMF 3028, this order is final and effective upon publication in the D.C. Register, that is, on 08 JAN 1988.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 513-Q/644-A
Case No. 91-12M/85-3C/89-7C
(PUD Modifications @ 12th, I & K Sts., N.W.)
May 11, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 30, 1992. At that hearing session, the Zoning Commission considered the application of Franklin Plaza Limited Partnership and 1215 I Street, N.W. Associates Limited Partnership for a modification of two previously approved planned unit developments (PUD), and review of the use of air space above and below a public alley separating the two PUDs. Consideration of the application is pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and the District of Columbia Public Space Utilization Act, D.C. Code Section 7-1031 et seq. (1981). The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on August 20, 1991, requests modifications to Z.C. Order No. 513 in Case No. 85-3C and Z.C. Order No. 644 in Case No. 89-7C. The application also requests the Zoning Commission to determine the regulations applicable to the use of air space above and below the public alley between the two PUD sites, pursuant to the Public Space Utilization Act.
2. The PUD site that is the subject of these modifications (hereafter referred to as the "combined PUD site") comprises Lot 48 located at 1215 I Street, N.W.; Lot 49 located at 1200 K Street, N.W., and a portion of the 30-foot wide public alley that separates the two PUDs, all in Square 285.
3. The applicants propose to develop a single project by constructing an atrium connection in the air space above the alley, and by constructing a parking garage connection below the alley between the two PUDs. For zoning purposes, the connection will render the two PUD projects a single building.
4. Z.C. Order No. 513 granted consolidated PUD approval and a change of zoning from HR/C-3-C to C-4 for Lot 48 in Square 285 at 1215 I Street, N.W. The PUD approval was for the construction of a 12-story mixed-use office/retail building as a companion structure to the modern building on the adjacent property to the west known as 1225 I Street, N.W. The PUD

development was approved for a height of 130 feet, a total gross floor area of 265,080 square feet, a maximum floor area ratio (FAR) of 10.0, a maximum lot occupancy of eighty-eight percent (88%) and a minimum of 139 fullsize parking spaces. Although the project was approved in 1987, construction of this project has not begun due to the inability to secure a lead tenant for the project.

5. The 1215 I Street PUD involved several project amenities, including the delivery of financial support sufficient to establish 150 rehabilitated dwelling units at specified locations, an agreement with the National Park Service to "adopt" the triangular park known as Reservation No. 173, the provision of space for a qualified day care operator and Memoranda of Understanding with the Minority Business Opportunity Commission (MBOC) and Advisory Neighborhood Commission (ANC) 2C. The 150 dwelling units were to be ready for occupancy within eight years of issuance of a building permit for the office project. Although construction of the office project has not begun, the applicants have completed the rehabilitation of 132 dwelling units.
6. Z.C. Order No. 644 granted consolidated PUD approval and a change of zoning from HR/C-3-C to C-4 for Lot 49 in Square 285 at 1200 K Street, N.W. The PUD approval was for the construction of a 130-foot building for general office and retail use with a gross floor area of approximately 373,000 square feet, an FAR of approximately 11.17 and a minimum of 203 parking spaces located on 2 1/2 levels. Construction of this project is near completion. The limited modifications to the 1200 K Street PUD involve the portion of the southern facade that will be opened to provide access into the air space connection. There will be a change in the FAR of the 1200 K Street building from 11.17 to 11.2. The change results from the inclusion of a setback inside the atrium area at the 11th floor level in the existing building.
7. The 1200 K Street PUD also involved several project amenities, including the restoration of the exterior of the historic Franklin School, a financial contribution to educational programs, the rehabilitation of low-income housing, Memoranda of Understanding with the MBOC and ANC 2C, and a First Source Agreement with the Department of Employment Services (DOES).
8. The subject proposed modifications involve the redesign of the 1215 I Street building in a fashion that allows for a design transition between the modern design of 1225 I Street and the traditional Classical Revival design of 1200 K Street. In addition, the northern face of the 1215 I Street PUD will be altered to allow for the air space connection. The originally

proposed doorway connections above and below the loading dock and garage levels between the 1215 I Street and 1225 I Street buildings to allow the use of 13th Street as a measuring point will be eliminated. In addition, the location of the day care center will be on the first cellar, first, or second floors and will not be limited to only the first cellar level. There is no change in the approved height or FAR of the approved 1215 I Street PUD. The height is 130 feet as measured from 12th Street and 119' 3/4" as measured from K Street. The original building was 130 feet. The lot occupancy will increase slightly from a maximum of eighty-eight percent (88%) to a maximum of ninety-four percent (94%).

9. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the metropolitan area, and allows office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, a maximum lot occupancy of one hundred percent, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR dependant upon the width of adjoining streets.
10. Under the PUD process of the Zoning Regulations, the Zoning Commission will consider this modification application as a final-stage PUD. The Commission may also impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).
11. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital includes the combined PUD site in the category designated for high density commercial land uses.
12. In requesting the proposed modifications, the applicants intend to provide, and in some cases have already provided, the project amenities approved in the original PUDs. The proposed modifications to the approved PUDs do not involve any significant additional project density and accordingly, do not entail any changes to the previously approved project amenities.
13. The project also involves an application for Zoning Commission determination of the use of air space, pursuant to the District of Columbia Public Space Utilization Act. Section 7-1034(2) of the Act provides, in pertinent part, that the Mayor may lease air space above and below a public alley if:

"The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such air space and has established regulations applicable to the use of such air space consistent with regulations applicable to the abutting privately-owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off-street parking and floor area ratios applicable to such structure and easements of light, air and access."

14. Pursuant to the Public Space Utilization Act, the Zoning Commission must determine the use of the air space and insure that the proposed use is consistent with the zoning of the abutting properties. This application involves the use of the air space for a functional link between the commercial office buildings on the two adjoining lots. The air space connection in the alley will join the buildings at the second level, approximately 16 feet above the surface of the alley. In terms of overall height, the connection aligns with the 12th floor of the 1215 I Street building and is one floor lower than the 1200 K Street building. The main level of the connection will be used for lobby/reception space.
15. Under the applicants' preferred (atrium connection) plan, connecting corridors at the upper levels will be for circulation space and small conference rooms with no office space. In addition, there will be three levels of below grade connections linking the parking garages of the two buildings. These below grade connections will include 57 parking spaces, 49 more spaces than would be required under the Zoning Regulations.
16. The proposed design, configuration and materials for the above-grade connection, including the use of glass in the facade and the interior partition walls, will maximize light and air into the connection and the interior of the square and will not adversely affect the light and air to any adjacent properties. The proposed use of the air space for connecting corridors, a reception area and small conference rooms are consistent with the C-4 zoning of the abutting privately owned properties in the square.
17. The proposed density for the air space connection is only a fraction of the 10.0 FAR allowed on the adjacent C-4 zoned properties. The 1200 K Street PUD site consists of 33,601 square feet of land area, the land area of the alley consists of 5,580.6 square feet and the 1215 I Street PUD site consists of 26,508 square feet. The two PUD sites were approved for

11.17 and 10.0 FAR respectively, while the connection will consist of an FAR of 2.69 under the preferred scheme or 1.67 under the alternative scheme.

18. The above-grade connection will be set back a total of 25 feet from the eastern (12th Street) facades of the two buildings. The originally proposed distance of 18 feet was increased in response to comments made at the public hearing. The 12th Street elevation drawing and the sight line studies submitted with the applicants' post-hearing submission show that with this setback, the buildings will read as separate, though related structures and the alley will remain as a highly visible and functioning through-square access way. In addition, the connection will be set back 36 feet from the western facade of the 1215 I Street building and 85.5 feet from the western facade of the 1200 K Street building thereby minimizing any potential for negative impacts on the Franklin School and Franklin Square.
19. The detailed sight line and photographic studies shown at the hearing and included in the post-hearing submission demonstrate that the proposed plan will have no adverse impacts on Franklin Square or the Franklin School due to the highly limited visibility of the connection from Franklin Square and the setback of the connection from the school. The studies also show that the matter-of-right development of the now vacant sites along the east side of 12th Street will obstruct the narrow view through the alley from Franklin Square and that the construction of the connection will have no significant effect on this view.
20. The design of the proposed project is compatible with other development in the Franklin Square area. The more traditional design of the 1215 I Street building will allow the building to function as a visual link between 1225 I Street and 1200 K Street. The proposed project will read as two separate buildings along 12th Street with a transparent glass connecting link set back 25 feet from the facades.
21. There will be a total clearance of at least 16 feet above the surface of the alley. With this clearance, the alley will continue to function as a public alley and there will be no adverse impact on access to any of the properties in the square. In each of the previous PUD cases, it was established that under the proposed plans, there will be excellent circulation in the square and ample space for maneuvering. There will be no change to the originally proposed loading berth access off of the alley for either of the two buildings and the alley will continue to function as a wide through-alley.

22. The connection of the two separate buildings will address the current demand and critical need for large office buildings with large floor plates in the Central Employment Area. Despite the oversupply of office space available for rental in the Downtown area, there is a shortage of large buildings that offer large floor plates. Federal government agencies and large private sector tenants dominate the current leasing market. Some of these tenants require large floor plates in order to consolidate related activities on single floors and to maximize efficiency in operation. In many cases, these tenants typically refuse to consider small and medium size office buildings and insist on the opportunity for consolidation afforded by large buildings. The proposed project will respond directly and immediately to the current, pressing demand for suitable office space in the District of Columbia. There are few projects either available or under construction in the District that will offer comparable space to address this immediate need. The difficulty in securing financing for many of the proposed large projects further exacerbates the undersupply of these buildings.
23. The effort to accommodate major government and private sector tenants in this project promotes several goals set forth in the Downtown and Federal Elements of the Comprehensive Plan, including the goal of promoting Franklin Square as a prestigious office area and the goal of locating federal employment in the Central Employment Area.
24. The disproportionate demand for large buildings with large floor plates relative to the supply is a prevailing condition that is expected to continue because the number of users in the largest tenant category, 200,000 square feet and greater, has been increasing over time and is expected to continue to increase. In addition, General Service Administration's (GSA) efforts to reorganize, consolidate and relocate government agencies from obsolete space is an ongoing effort that results in more than fifty percent (50%) of the total demand for office space.
25. Large tenants typically require office buildings with floor sizes of 40,000 square feet and above. There are significant advantages associated with large floor plates including the efficiencies related to expanding horizontally rather than vertically and the need for a reduced number of support facilities such as copy rooms, conference rooms and reception areas.
26. The applicants' traffic expert indicated that the requested modifications and the use of air space are appropriate from a traffic engineering viewpoint. Since the connection will

provide no additional office space, there will be no additional trips as a result of the approval of the proposed modifications and air rights application. The type of building tenants, whether public or private sector, will have no effect on trip generation or parking demand. If flexibility is granted regarding the number of parking spaces, as requested by the applicants, there would still be excess parking supply to meet the demand.

27. The applicants have been unable to lease both the 1215 I and 1200 K Street projects due to the current oversupply of available medium size office buildings in Washington, D.C. including space in new buildings, as well as space in older buildings available upon the expiration of existing leases. Based on the extensive efforts of the applicants to lease each of the proposed buildings, including several years of marketing efforts and the preparation of over 88 proposals for the two buildings, there is limited demand for the proposed buildings in their current configuration.
28. The connection is designed to allow adequate and efficient interior circulation between the 1200 K Street and 1215 I Street buildings. In a large floor plate building, circulation is most efficiently laid out around the perimeter of the building, where offices are concentrated, rather than between the cores, thereby justifying the need for two connecting passageways in the air space rather than one.
29. The applicants requested flexibility in construction options as well as design and the floor plan layout.
30. The District of Columbia Office of Planning (OP), by memorandum dated January 21, 1992 and by testimony presented at the public hearing, recommended that the application be approved. OP stated the following:

"The Office of Planning has done a comprehensive evaluation of the subject applications. The requested approval of modifications to two previously approved PUDs and for the use of air space above and below a public alley which separates them is consistent with the Comprehensive Plan. The subject proposal would provide a project that is compatible with surrounding buildings in terms of height, design and massing. As well, it would retain the visual separation of the buildings located at 1200 K and 1215 I Streets, while providing the applicants with more marketable office space in the downtown area. Furthermore, the applicants would continue to provide the public benefits and amenities as promulgated in Zoning Commission Order Nos.

513, 513-A and 644, as well as pay an annual fee for the use of public space. Accordingly, the Office of Planning recommends approval of this application."

31. The District of Columbia Department of Public Works (DPW), by memorandum dated January 28, 1992, indicated that the proposed modification would not affect the internal circulation and access to loading and parking areas as was previously approved. DPW further indicated that the proposed number of on-site parking spaces will meet the needs of the project.
32. The District of Columbia Public Schools (DCPS), by letter dated January 27, 1992, indicated that the proposed development would cause no adverse impact on Thompson Elementary nor Franklin School properties.
33. The District of Columbia Metropolitan Police Department (MPD), by letter dated January 8, 1992, indicated that the proposal would not generate an increase in the level of police service already provided. The MPD did not oppose the proposal.
34. Advisory Neighborhood Commission (ANC) 2C filed a letter, dated September 5, 1991, recommending that the application be set for hearing. The ANC did not participate at the hearing nor submit any written statement of issues and concerns for the Zoning Commission to address.
35. The Service Employees International Union, Local 82 (SEIU), which leases office space across K Street from the PUD site participated as a party in opposition at the public hearing. SEIU, by Exhibit Nos. 52-55 and by testimony presented at the public hearing argued the following points:
 - a. That there is no evidence of the need for large floor plates;
 - b. That the visibility of the connection from adjacent properties would have serious adverse impacts and would reduce pedestrian activity at the street level;
 - c. That the modification should involve additional project amenities; and
 - d. That the proposal is inconsistent with the Comprehensive Plan for the Mt. Vernon Square area.
36. Two persons testified at the public hearing and several letters were received in the record in support of proposal. Many believed that the proposal would help revitalize the area.

37. The Zoning Commission concurs with the recommendations of OP and finds that the proposed modification to Z.C. Order Nos. 513 and 644 and the related air rights approval are reasonable, appropriate, and not inconsistent with the goals and objectives of the original PUD approvals and the standards set forth for air rights application.
38. In response to the issue raised by the party in opposition, the Commission makes the following findings:
- a. There is a demonstrated need for large buildings with large floor plates in the Central Employment Area. This need results from the dominant tenants in the current real estate market, large private sector and government tenants. There is a demonstrated undersupply of buildings available to meet the needs of these tenants. In contrast, there is an oversupply of small and medium size buildings such as 1200 K Street and 1215 I Street;
 - b. The proposed modifications will have positive impacts on the design of the 1215 I Street building. In addition, the connection between the two buildings is set back sufficiently to avoid any adverse impact on the Franklin Square, the Franklin School or on views from 12th Street. There will be limited visibility of the connection from both eastern and western vantage points. In addition, through the extensive use of glass in the facade and interior partition walls of the connection, there will be adequate light and air in the interior of the square;
 - c. The proposed connection will have no effect on pedestrian activity at the street level. Section 909.2(f) of the Comprehensive Plan (10 DCMR), which prohibits pedestrian bridges because of their effect on pedestrian activity, is in a section of the Comprehensive Plan pertaining to pedestrian bridges across streets which serve to drain pedestrian activity from the sidewalks. The air space connection in this application presents an entirely different concept and therefore Section 909.2(f) is not relevant to the subject application. In the two original PUD orders, the Zoning Commission found that the PUDs would not be inconsistent with the Comprehensive Plan. The modifications and the addition of the connection will not alter this finding. Further, the Zoning Commission previously found that the PUDs are located in the Franklin Square sub-area of the Comprehensive Plan and that the PUDs were consistent with the objectives for that area. The Zoning Commission reiterates this earlier finding; and

- d. The Zoning Commission finds that the modifications are of such a minor nature that additional project amenities are not necessary or appropriate. The height and bulk of the projects will remain as originally approved. Further, amenities are not required in connection with air space applications. Such applications are processed under the standards set forth in the Public Space Utilization Act which require that the height, bulk and other features of the connection to be constructed in the air space are consistent with the Zoning Regulations applicable to the abutting privately-owned property. Consistent with the Act, the applicants will lease the air space from the District of Columbia at its fair market rental value.
39. The Zoning Commission finds that the proposed utilization of air space is consistent with the Zoning Regulations applicable to the abutting privately-owned property. Specifically, the Zoning Commission finds that the proposed connection at a maximum FAR of 2.72 represents approximately twenty-seven percent (27%) of the allowable density on the adjacent C-4 zoned property. In addition, the proposed height and number of parking spaces are consistent with the zoning of the adjacent property.
40. The Commission finds that the proposed twenty-five (25) foot setback of the connecting bridges from the 12th Street right-of-way was inadequate and believes that it has appropriately addressed this concern in its decision. The Commission further finds that the uses of the connecting bridges should be limited, and believes that it has also adequately addressed this concern in its decision.
41. The Commission finds that the applicants have satisfied the intent and purpose of chapter 24 of DCMR, Title 11, Zoning.
42. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Organization Act. NCPC, by report dated April 30, 1992, indicated that the proposed modifications would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
43. On May 11, 1992 at its regular monthly meeting, the Zoning Commission considered a letter dated April 23, 1992 from counsel for the applicant. The letter requested a waiver of the Rules of Practice and Procedure to allow for flexibility in the operation of the parking garage. The requested flexibility is to make the space in the parking garage

available in accordance with Condition Nos. 28 and 29 of Z.C. Order No. 513, unless the PUD building is occupied by a government agency that needs control of the garage for security purposes. The Commission finds the requested flexibility reasonable and appropriate.

44. The Commission expressed general reservations about the concept of bridging the air space of public alleys. However, because of certain unique features associated with this PUD modification, the Commission finds that this proposal to bridge the subject alley is appropriate. The unique features include, but are not limited to, the following:
- a. That the redevelopment and restoration of the entire square were subject to zoning review before the Commission; and
 - b. That the proposed revision to provide a physical separation (fourth floor and above) between the proposed PUD structure at 1215 I Street and the existing structure at 1225 I Street creates a visual airspace resulting in the perception of two buildings on the north side of I Street, rather than the perception of one continuous building, as previously approved. The physical separation of the I Street buildings partially offsets the visual impact of the proposed bridge over the alley.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject sites because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The proposed modifications to these PUDs will carry-out the purpose of chapter 24 of the Zoning Regulations, which is to encourage the development of well-planned residential, institutional and mixed-use development which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The proposed modifications to these two PUDs are compatible with the city-wide goals, plans and programs and will not change the overall nature or character of the original PUDs. Approval of these PUD modifications is not inconsistent with the Comprehensive Plan for the National Capital.
4. Approval of these PUD modifications and air space application is consistent with the purpose of the Zoning Act (Act of June

20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to complete the development of the square.

5. The PUD modifications can be approved with conditions that ensure that the development will not have an adverse effect on the surrounding community but will enhance the neighborhood and ensure the neighborhood's stability.
6. Approval of these PUD modifications will promote development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.
8. The Zoning Commission of the District of Columbia must determine the use and Zoning Regulations applicable to the use of air space, consistent with zoning applicable to abutting privately-owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in Section 7-1034, D.C. Code, where it is provided that the Commission must establish that such regulations are "consistent with regulations applicable to the abutting privately-owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off-street parking and floor area ratio applicable to such structure, and easements of light, air and access."
9. The proposed use of air space pursuant to the regulations which generally apply to the C-4 District, together with the regulations which apply to the specific sites, is reasonable.
10. Approval of this air space application is not inconsistent with the Comprehensive Plan for the National Capital.
11. The proposed air space application can be approved with conditions which ensure that development will not have an adverse impact on the surrounding community.
12. The approval of this air space application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in text and maps of the Zoning Regulations of the District of Columbia.
13. The Zoning Commission could not give "great weight" consideration to the recommendations of ANC-2C because the ANC did not submit its issues and concerns to the Zoning Commission.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a modification of the planned unit development (PUD) for Lot 49 in Square 285 located at 1200 K Street, N.W. and previously approved in Z.C. Order No. 644; a modification of the PUD for Lot 48 in Square 285 located at 1215 I Street, N.W. and previously approved in Z.C. Order Nos. 513 and 513-A; and the use of public space above and below the public alley separating lots 48 and 49 in Square 285. This approval is subject to the following guidelines, conditions, and standards:

1. The two PUD projects shall be modified in accordance with the architectural drawings submitted by the Weihe Partnership, marked as Exhibit No. 24B, as modified by the guidelines, conditions, and standards of this order.
2. No connecting bridge(s) between the two PUD projects shall be closer than 75 feet west of the 12th Street right-of-way.
3. The use of the connecting bridge(s) shall be limited to conference, circulation, reception, and/or atrium.
4. All exterior and interior walls and partitions of that portion of the project in the public space above the alley shall be of transparent materials.
5. The location of the west facade of the connecting bridge shall be no further west than that location, as shown on Exhibit No. 24B.
6. There shall be no connection above the fourth floor of the PUD project on Lot 48 to the existing building at 1225 I Street, N.W., as shown on Exhibit No. 24B.
7. The maximum floor area ratio (FAR) for the combined PUD site, including lots 49 and 48 and the public space at the alley shall be 10.00; including Lot 49 = 11.20 maximum FAR, Lot 48 = 10.00 maximum FAR, and the public space = 2.72 maximum FAR.
8. The maximum height of development for the combined PUD site shall be 130 feet. The minimum height of the underside of the air space connection(s) above the grade of the alley shall be 16 feet.
9. The exterior materials of the PUD project shall be in accordance with the samples shown on Exhibit No. 24A (Tab J) of the record.

10. The minimum on-site parking requirements for the combined PUD site shall be 431 spaces; including 203 spaces for Lot 49, 220 spaces for Lot 48, and 8 spaces for the air space portion of the project.
11. The applicants shall have flexibility in the following construction options:
 - a. Construct air space connection without atrium; i.e., no atrium floor at second floor level and no skylight at twelfth floor level;
 - b. Construct air space connection and then remove it in the future, restoring facades of 1200 K Street and 1215 I Street; and
 - c. Construct 1215 I Street by completing north facade and not building air space connection.
12. The applicants shall have flexibility in the following features, subject to Condition Nos. 4 and 9 of this order:
 - a. Modify exterior design to meet any requirements imposed by the lease ultimately negotiated with the District (e.g., greater clearance over the alley); and
 - b. Vary the final detailing of the building, including:
 - i. The location and design of all interior components, provided that the variations do not change the exterior configuration of the building;
 - ii. Minor adjustments in facade and window treatments, including belt courses, sills, bases, cornices, railings and trim and the number and location of entrances to retail uses on the ground floor to accommodate different numbers and types of retailers;
 - iii. Final selection of exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;
 - iv. Landscape, lighting and paving details to accommodate utility requirements, requirements of streetscape committee and materials available at time of construction; and

- v. Vary the arrangement and size of the parking garage, building a minimum of 431 spaces, with the additional area to be used for storage or other ancillary uses.
13. If a government agency occupies the PUD building and requires complete control over the parking garage for security purposes, the applicant shall not be required to comply with Condition Nos. 28 and 29 of Z.C. Order No. 513. If complete garage control is so required, the applicant shall file a copy of the government agency requirement with the Zoning Commission and the Zoning Administrator before the issuance of a certificate of occupancy for the 1215 I Street portion of the PUD project.
14. No building permit shall be issued for this proposal until the applicants have recorded a "Notice of Modification" of Z.C. Order Nos. 513, 513-A, and 644 in the land records of the District of Columbia. That Notice of Modification shall include a copy of Z.C. Order Nos. 513, 513-A, 644, and 513Q/644-A that the Director of the Office of Zoning has certified as true copies.
15. After recordation of said Notice of Modification, the applicants shall immediately file a certified copy of the recorded Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
16. The Office of Zoning shall not release the record in this case to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicants have satisfied Condition Nos. 14 and 15 of this order.
17. The PUD modifications approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order, unless further extended by the Zoning Commission. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order, unless further extended by the Zoning Commission.
18. The structure in the air space and the connected structures on lots 48 and 49 shall be deemed to constitute one building, and shall comply as such with the requirements of this order.
19. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of the D.C. Law 2-38, Human Rights Act of 1977, the Applicants are required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987),


Z.C. ORDER NO. 513-Q/644-A
CASE NO. 91-12M/85-3C/89-7C
PAGE NO. 16

and this order is conditioned upon full compliance with these provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the applicants fail to comply with any provision of D.C. Law 2-38, as amended.

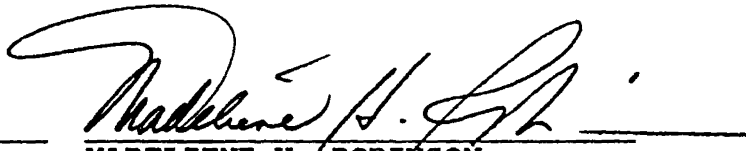
Vote of the Zoning Commission taken at the special public meeting on March 26, 1992: 5-0 (William L. Ensign, Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to approve with conditions, and Lloyd D. Smith, to approve by absentee vote).

This order was adopted by the Zoning Commission at the public meeting on May 11, 1992 by a vote of 4-0 (Maybelle Taylor Bennett, William L. Ensign, John G. Parsons, and Tersh Boasberg, to adopt as amended - Lloyd D. Smith, not present, not voting).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on JUN 26 1992.



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning