

**THE ARTHUR CAPPER/CARROLLSBURG
250 M Street, S.E.
OFFICE BUILDING**

**STATEMENT OF
SQUARE 769, LLC AND THE
DISTRICT OF COLUMBIA HOUSING AUTHORITY
IN SUPPORT OF AN APPLICATION
FOR SECOND-STAGE REVIEW AND APPROVAL
OF A PLANNED UNIT DEVELOPMENT**

April 20, 2006

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**ZONING COMMISSION
District of Columbia**

CASE NO. 03-12C/13C
ZONING COMMISSION
District of Columbia

EXHIBIT NO. 5
CASE NO. 03-12C/03-13C
EXHIBIT NO. 5

PREFACE

This statement and the attached documents are submitted to the Zoning Commission of the District of Columbia in support of an application for second-stage review and approval for a portion of a major new redevelopment project at the site of the Arthur Capper/Carrollburg Dwellings, a public housing community owned by the District of Columbia Housing Authority ("DCHA"). Located just north of the Washington Navy Yard in Southeast Washington, the overall redevelopment site is bounded by 2nd Street on the west, 7th Street on the east, Virginia Avenue on the north and M Street on the south.

Square 769, LLC and District of Columbia Housing Authority (collectively the "Applicants") seek second-stage review and approval of a Planned Unit Development ("PUD") in order to continue implementation of this redevelopment plan. Preliminary and consolidated approval of the entire project was issued pursuant to Zoning Commission Order Number 03-12/03-13, dated February 6, 2004, and effective October 8, 2004. The portion of the preliminary PUD approval described in this application includes parts of Lots 18, 20, and 21 in Square 769. The PUD Site consists of approximately 27,960 square feet of land area and is presently zoned CG/C-3-C.

As set forth below, this statement and the attachments meet the filing requirements for a PUD application under Chapter 24 of the District of Columbia Zoning Regulations.

DEVELOPMENT TEAM

Developer:

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Owners:

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LIST OF EXHIBITS

Exhibit	Description
A	Architectural Plans and Drawings
B	Zoning Commission Order No. 03-12/03-13
C	Chart Summarizing Conditions of Zoning Commission Order No. 03-12/03-13
D	Zoning Map
E	Baist and Sanborn Atlas Maps
F	Building Plats
G	Land Use Map
H	Certificate of Notice, Notice of Intent and Property Owners List

I. INTRODUCTION

This statement and the attached documents support the application of Square 769, LLC and District of Columbia Housing Authority ("DCHA"), the owners of the property (collectively the "Applicants"), to the Zoning Commission for the District of Columbia ("Commission") for second-stage review and approval of portions of a previously approved Planned Unit Development ("PUD").

On March 21, 2003, the Applicants, in conjunction with Capper/Carrollburg Venture, LLC and the District of Columbia, filed an application seeking preliminary and consolidated approval of a PUD for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th on the east, Virginia Avenue on the north, and M Street on the south. The property consists of approximately 927,000 square feet of land area. Pursuant to Zoning Commission Order Number 03-12/03-13, granted October 8, 2004, the Commission granted preliminary approval of the PUD for the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825. The Commission also granted consolidated approval of the PUD for the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square 880, Lot 24; and all of Squares 797, 798 and 825. The Commission also granted a PUD-related map amendment to rezone the following properties from R-5-B to CR upon completion of the second-stage approval of

the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C).

On April 29, 2005, Capper/Carrollsborg Venture, LLC in conjunction with DCHA, filed the first in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Zoning Commission Order 03-12/03-13. That application also sought approval to modify portions of the parking requirements for the consolidated PUD approval. That application included Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and Square 881W, and is identified as Zoning Commission Case Nos. 03-12A/03-13A. The property that was the subject of that application consisted of Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and Square 881W. The property that was the subject of that application consisted of approximately 122,610 square feet of land area and was zoned R-5-B. Capper/Carrollsborg Venture LLC in conjunction with DCHA did not seek an amendment to the Zoning Map in connection with that application. The Zoning Commission took final action on February 13, 2006 to approve that application, but has not published its order with regard to that application.

The Applicants are currently seeking second-stage approval for portions of the preliminary PUD approved pursuant to Zoning Commission Order 03-12/03-13. This application is the second in a series of second-stage applications to be filed to complete the entire PUD project. The property that is the subject of this application consists of

parts of Lots 18, 20, 21 in Square 769, collectively referred to herein as the “PUD Site.” The boundaries of Square 769 are L Street, S.E. on the north, 3rd Street, S.E. on the east, M Street, S.E. on the south, and 2nd Street, S.E. on the west. The PUD Site consists of approximately 27,960 square feet of land area and is zoned CG/C-3-C. The Applicants are not seeking an amendment to the Zoning Map in connection with this application.

The Applicants intend to construct a nine-story office building with ground floor retail in Square 769. The office building will be constructed to a maximum height of 110 feet. The project will have a floor area ratio (“FAR”) of approximately 7.18. There will be 194 complying accessible parking spaces provided in this phase of the development.

A. Summary of Project

In fulfillment of housing, economic and social goals on both the local and national level, the proposed project will replace and redevelop one of the most severely deteriorated public housing projects in the city. The project is made possible, in part, by a HOPE VI grant from the U.S. Department of Housing and Urban Development.

The portions of the project described in this application include a nine-story office building with ground floor retail, containing 200,780 square feet of gross floor area. The provision of this office building with ground floor retail will significantly advance the overall goals of the PUD by providing financial leverage for the construction of the replacement public housing.

B. Background Information Regarding Applicants

Square 769, LLC and DCHA are the applicants for this portion of the PUD project. Square 769, LLC will be a joint venture which will include DCHA and William C. Smith & Co. William C. Smith & Co. will serve as the developer for the 250 M Street project. William C. Smith & Co. is a Washington, DC-based multidisciplinary real estate

firm that has provided integrated real estate services to the Washington metropolitan area for 35 years. William C. Smith & Co. has developed numerous award-winning residential and commercial projects throughout the metropolitan area.

II. PROJECT DESCRIPTION

A. Site Location and Description

1. Site Description

The PUD Site is located in the southeast quadrant of the District, near the Navy Yard Metro Station in the Anacostia Waterfront area. Containing approximately 27,960 square feet of land area, the PUD Site is zoned CG/C-3-C.

A portion of Square 769 is currently improved with a parking lot, while the remaining portion of Square 769 is unimproved land. The portions of Square 769 described in this application are located in the medium-high density commercial land use category in the Generalized Land Use Map of the Comprehensive Plan. The predominant use in medium-high density commercial land use categories is a shopping and service area that generally offers the largest concentration and variety of goods and services outside the Central Employment Area. See District of Columbia Generalized Land Use Map.

2. Description of Surrounding Area

The area surrounding the PUD Site is characterized by a mixture of uses. To the south, east and west are new office buildings: the headquarters of the U.S. Department of Transportation, the 300 M Street building, and the Federal Gateway Building at 1100 New Jersey Avenue. Also located to the south of the PUD site will be the new Washington Nationals' baseball stadium. Immediately to the west of the PUD site is the proposed Canal Park. Two blocks to the west is the Navy Yard Metrorail Station, located

across the street from the Federal Gateway building. Zoning Commission Order No. 03-12/03-13 indicates that the northern portion of Square 769 will be improved by a proposed residential project.

B. Project Design and Components

1. Office Building with Ground Floor Retail

The Applicants propose to construct a nine-story office building with ground floor retail and below-grade parking. The proposed project is designed to work in concert with the existing building at 1100 New Jersey Avenue to create a gateway from M Street to the proposed Canal Park and Capper/Carrollsborg neighborhood. In addition to functioning as a visual gateway, the proposed project will serve as a commercial and retail gateway that will help bring vitality to the mixed-use Southeast M Street urban corridor. As a result, the design of the office building will harmonize with both the existing and proposed scales of its urban surroundings.

The building will stand at a height of 110 feet and will be designed in accordance with LEED criteria. The ground floor retail space will occupy more than 50 percent of the building's first floor. The building's main entrance will be located on M Street, with retail entrances along M and 2nd Streets. At the street level, the landscape and streetscape designs are articulated in a manner to promote pedestrian movement and activity—two essential components of urban vitality. To the building's north is a twenty-five foot service drive that will provide access to both loading berths and garage entries. The below-grade parking garage will consist of four levels and will accommodate 194 complying accessible parking spaces, satisfying the minimum requirement of 150 parking spaces stated in Zoning Commission Order No.03-12/03-13.

The architecture of 250 M Street will include predominately pre-cast concrete with glass curtain walls at featured areas. The general massing is organized into a base, middle and top. The base and the top are defined by a two-story curtain wall, while the middle is defined by a series of bay-to-bay and floor-to-floor punched window openings. The organization of the general massing permits the building to address the different existing and proposed urban scales of the surrounding neighborhood. The facades along M and 3rd Streets rise to the full 110 feet to maintain the urban edge established by the existing and proposed office buildings on both sides of M Street.

The integration of the M Street and 3rd Street architectural towers to the mechanical penthouse creates a single cohesive and synthesized building design from top to bottom. As an architectural embellishment, the M Street tower integrates itself with the mechanical penthouse and roof enclosure, while the 3rd Street tower screen transforms into the roof of the penthouse, sloping down from east to west to accommodate the human scale of users of the rooftop terrace. The mechanical penthouse and enclosure possess horizontal structural projections, on the west and south, that will provide shelter from the sun for users of the green roof.

The Applicants and architects have given careful consideration to the surrounding uses and the redevelopment of the Capper/Carrollsbury neighborhood, providing a visually aesthetic structure of the highest quality that enhances the pedestrian experience.

C. Matter of Right Development Under Current Zoning

The PUD Site is zoned CG/C-3-C. The Capitol Gateway (CG) Overlay District is applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed use development in the Comprehensive Plan for the National Capital. 11 DCMR §1600.1. Two enumerated purposes of the CG Overlay District are: (1) to assure

development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area; and (2) to encourage a variety of support and visitor-related uses, such as retail, service, entertainment cultural and hotel or inn uses. 11 DCMR §1600.2. To accomplish the enumerated purposes of the CG Overlay District, any proposed building on a lot that abuts M Street, S.E., between South Capitol Street and 4th Street, S.E., shall be subject to review and approval by the Zoning Commission. 11 DCMR §1604.1. An applicant, in the CG Overlay District, requesting approval must prove that the proposed building's architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality. 11 DCMR §1604.2. The streetwall of each new building must be set back for its entire height and frontage along M Street not less than 15 feet measured from the face of the adjacent curb along M Street, S.E. 11 DCMR 1604.3. Each new building in the CG Overlay District must devote not less than 35% of the gross floor area of the ground floor to retail, service, entertainment, or arts uses. 11 DCMR 1604.4. Pursuant to Section 1604.6, not less than 50% of the surface area of the streetwall of any new building along M Street must be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building. No driveway may be constructed or used from M Street to the required parking spaces or loading berths in or adjacent to a new building. 11 DCMR §1604.7.

The C-3 Districts are designed to accommodate major business and employment centers supplementary to the Central Business (C-4) District. 11 DCMR §740.1.

Additionally, the C-3 Districts must provide substantial amounts of employment, housing

and mixed uses. 11 DCMR §740.2. The C-3-C District permits medium-high density development, including office, retail, housing and mixed-use development. 11 DCMR § 740.8. The C-3-C District must be compact in area. 11 DCMR §740.8. The C-3-C District permits a maximum height of 90 feet with no limitation on the number of stories and a maximum FAR of 6.5 for all structures. 11 DCMR §§770.1, 771.2.

D. Tabulation of Development Data

See charts included with Architectural Plans and Drawings attached hereto as **Exhibit A.**

E. Flexibility Under PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. Thus, the Applicants seek flexibility from two provisions of the Zoning Regulations. As permitted under §2405.8, the Commission may grant such flexibility without the need for special exception approval from the Board of Zoning Adjustment or compliance with the special exception standards that might otherwise apply.

The Applicants are seeking flexibility from the roof structure requirements under Section 770.6. Section 770.6 states that if housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it must be erected or enlarged to meet the requirements of Section 411. Amongst the requirements under Section 411, enclosing walls from the roof level must be of equal height and must rise vertically to a roof. 11 DCMR §411.5. As shown on the Applicants' street elevations, the height of the enclosed walls from the roof level slopes toward the Canal Parks, creating a visual gateway to the park. **See Exhibit A.** Thus, the Applicants

seek flexibility from the roof structure requirements to permit a roof structure with enclosed walls of unequal height.

III. THE PROJECT MEETS THE REQUIREMENTS FOR THE SECOND-STAGE PUD APPROVAL

A. First Stage PUD Approval and Compliance with Conditions

On March 21, 2003, the Applicants filed an application with the Commission for both preliminary and consolidated approval of a PUD. See Zoning Commission Order Number 03-12/03-13, dated February 6, 2004, effective October 8, 2004, ("Z.C. Order No. 03-12/03-13") attached hereto as **Exhibit B**. The Commission granted preliminary approval of the PUD for a number of properties, including the properties included in this application for second-stage review and approval. The Commission issued Z.C. Order No. 03-12/03-13 subject to a number of conditions. The conditions, and a discussion of how the Applicant is in compliance with the applicable conditions, are attached hereto at **Exhibit C**.

B. Flexibility From Conditions of First Stage Approval

The Applicants do not seek flexibility from the conditions stated in Zoning Commission Order No. 03-12/03-13. See **Exhibit C**.

IV. CONCLUSION

For the reasons stated above, the Applicants submit that the PUD meets the standards of Chapter 24 of the Zoning Regulations and is consistent with the purposes and intent of the Zoning Regulations and Zoning Map. Furthermore, the project is consistent with the first stage approval. Accordingly, the Applicants request that the Zoning Commission determine that the application has merit and schedule a hearing on the PUD application.

Respectfully submitted:

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