

WHAYNE S. QUIN
202 663 7274
wayne.quin@hklaw.com@hklaw.com

May 3, 2006

VIA HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2007 MAY -3 PM 2:48

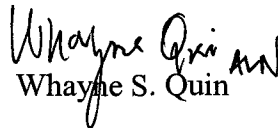
Re: Zoning Commission Case No. 03-12C/03-13C

Dear Members of the Commission:

On behalf of Square 769, LLC and the District of Columbia Housing Authority, (collectively the "Applicants"), we hereby submit an original and 20 copies of the Applicants' post-hearing submission, an original and 20 copies of the architectural plans, formatted on 11x17 paper, dated May 3, 2007, and an original and 20 copies of the Applicants' proposed order as requested by the Zoning Commission at the December 7, 2006 hearing on Zoning Commission Case No. 03-12C/03-13C.

Thank you for your attention to this matter.

Sincerely,


Wayne S. Quin

Enclosures

cc: Advisory Neighborhood Commission 6D
Jennifer L. Steingasser, D.C. Office of Planning
Steve Cochran, D.C. Office of Planning

ZONING COMMISSION
District of Columbia

CASE NO. 03-12C/03-13C
EXHIBIT NO. 31

ZONING COMMISSION
District of Columbia
CASE NO. 03-12C/03-13C
EXHIBIT NO. 39

THE ARTHUR CAPPER/CARROLSBURG
250 M STREET, S.E.
OFFICE BUILDING

POST-HEARING STATEMENT
OF THE APPLICANTS
IN SUPPORT OF AN APPLICATION FOR SECOND-STAGE
APPROVAL OF A PLANNED UNIT DEVELOPMENT
IN Z.C. CASE NO. 03-12C/03-13C

May 3, 2007

HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, DC 20006
(202) 955 - 3000
Whayne S. Quin, Esq.
Steven E. Sher, Director of Zoning
and Land Use Service

**THE ARTHUR CAPPER/CARROLSBURG
250 M STREET, S.E.
OFFICE BUILDING**

**POST-HEARING STATEMENT
OF THE APPLICANTS
IN SUPPORT OF AN APPLICATION FOR SECOND-STAGE
APPROVAL OF A PLANNED UNIT DEVELOPMENT
IN Z.C. CASE NO. 03-12C/03-13C**

May 3, 2007

**HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, DC 20006
(202) 955 - 3000
Whayne S. Quin, Esq.
Steven E. Sher, Director of Zoning
and Land Use Services**

PREFACE

This Post-hearing Statement and attached documents are submitted by Square 769, LLC and the District of Columbia Housing Authority (collectively, the “Applicants”), in support of their application to the Zoning Commission of the District of Columbia for second-stage review and approval of a Planned Unit Development (“PUD”).

Preliminary and consolidated approval of the entire project was issued pursuant to Zoning Commission Order No. 03-12/03-13, dated February 6, 2004, 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”). The PUD site consists of approximately 27,960 square feet of land area and is presently zoned CG/C-3-C.

The Applicants originally filed a PUD Statement and supporting documents, including architectural plans and elevations, with the Zoning Commission on April 21, 2006 (the “PUD Submission”). The PUD Submission set forth in detail the proposed development, project design, requested areas of flexibility, an analysis of compliance with the first-stage approval and a discussion of how the project meets the requirements of the Comprehensive Plan.

On August 4, 2006, the Applicants filed their Pre-hearing Statement with the Zoning Commission. The Pre-hearing Statement included updated architectural plans and elevations, an executed First Source Employment Agreement, a Memorandum of Understanding with the Department of Small and Local Business Development, a list of witnesses, outline of testimony for witnesses, and a list of names and addresses of all owners of property within 200 feet of the property.

On December 7, 2006, the Zoning Commission held its public hearing on the application. At the public hearing, the Zoning Commission requested that the Applicants provide a rendering of the 2nd Street side of the building without trees, perspective drawings showing how the ground floor

along 2nd Street relates to the Canal Blocks Park, an explanation of the elements of the property which exemplify superior architecture, clarifications of the employment plan in the Applicants' First Source Employment Agreement and the surfaces to cover the PEPCO vaults located on the property.

The initial deadline for filing the requested materials was December 21, 2006. The Applicants submitted letters to the Zoning Commission, dated December 14, 2006, January 25, 2007, and February 26, 2007, requesting an extension of time to file the requested materials. On February 27, 2007, the Zoning Commission granted the Applicants' requests for an extension of time and left the record open until May 3, 2007 for the Applicants' post-hearing submission. This Post-hearing Statement supplements the original PUD Submission and Pre-hearing Statement and addresses the Zoning Commission's requests.

DEVELOPMENT TEAM

Developer:

William C. Smith & Co.
1100 New Jersey Avenue, S.E.
Suite 1000
Washington, DC 20003

Owners:

Square 769, LLC
1100 New Jersey Avenue, S.E.
Suite 1000
Washington, DC 20003

District of Columbia Housing Authority
1133 North Capitol Street, N.E.
Washington, D.C. 20002-7599

Architect:

Hickok Cole Architects
1023 31st Street, NW
Washington, DC 20007

Landscape Architect:

Parker Rodriguez
101 North Union Street, Suite 320
Alexandria, VA 22314

Civil Engineers:

VIKA
8180 Greensboro Drive, suite 200
McLean, Virginia 22102

Land Use Counsel:

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006

TABLE OF CONTENTS

PREFACE	i
DEVELOPMENT TEAM	iii
TABLE OF CONTENTS	iv
LIST OF EXHIBITS	v
I. THE APPLICANTS' RESPONSE TO THE ZONING COMMISSION'S REQUESTS FOR ADDITIONAL INFORMATION	1
A. Rendering of the 2 nd Street Façade without Trees.....	1
B. Perspective Drawings Showing the Relationship between the Ground Floor along 2 nd Street and the Canal Blocks Park.....	3
C. Explanation of the Elements of the Application which Exemplify Superior Architecture.....	3
D. Clarification of the Employment Plan in the First Source Employment Agreement	5
E. Identification of Surfaces for PEPCO Vaults Located on the Property	7
II. THE APPLICANTS' RESPONSE TO THE OFFICE OF PLANNING'S RECOMMENDATION OF APPROVAL SUBJECT TO A COUNTERSIGNED MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT AGREEMENT	7
III. CONCLUSION	8

LIST OF EXHIBITS

Exhibit A	Portion of the December 7, 2006 Transcript which Summarizes the Additional Information to be Submitted to the Zoning Commission
Exhibit B	Revised Architectural Plans and Elevations
Exhibit C	Zoning Commission Order No. 03-12/03-13, dated February 6, 2004, effective October 8, 2004

I.
**THE APPLICANTS' RESPONSE TO THE ZONING COMMISSION'S REQUESTS
FOR ADDITIONAL INFORMATION**

At its public hearing on Zoning Commission Case No. 03-12C/03-13C, which took place December 7, 2006, the Zoning Commission requested that the Applicants provide a rendering of the 2nd Street façade without trees, perspective drawings showing how the ground floor along 2nd Street relates to the Canal Blocks Park, an explanation of the elements of the application which exemplify superior architecture and clarifications of the employment plan in the Applicants' First Source Employment Agreement. The Zoning Commission also requested that the Applicants identify the surfaces to cover the PEPCO vaults located on the property. The relevant portion of the December 7, 2006 transcript which lists the additional information sought by the Zoning Commission is attached at Exhibit A.

The initial deadline for filing the requested materials was December 21, 2006. The Applicants submitted letters to the Zoning Commission, dated December 14, 2006, January 25, 2007, and February 26, 2007, requesting an extension of time to file the requested materials. On February 27, 2007, the Zoning Commission granted the Applicants' February 26, 2007 request for an extension of time and left the record open until May 3, 2007 for the Applicants' post-hearing submission. In accordance with the Zoning Commission's letter dated February 27, 2007, this Post-hearing Statement provides the additional information the Zoning Commission requested.

A. Rendering of the 2nd Street Façade without Trees

The Applicants have included, in the Architectural Plans and Elevations dated May 3, 2007 (the "Plans"), attached hereto at Exhibit B, revised renderings of the 2nd Street façade, which provide an unobstructed view of the building façade along 2nd Street. Those renderings are located on Sheet A2.01C and A2.05 of the Plans.

The design of the 250 M Street building (the "Building"), as illustrated in the attached Plans, has been revised to incorporate a pre-cast concrete and glass curtain wall treatment with more visual transparency than the design submitted with the Applicants' August 4, 2006 Pre-hearing Statement. In contrast to the initial design of the Building, the facades on M Street and 2nd Street minimize the amount of pre-cast concrete and include more of a glass curtain wall treatment and larger window openings in the sections of the façade which consist of pre-cast concrete. The height and bulk of the Building have not changed. The Applicants have selected a lighter color of pre-cast concrete, which brightens the Building; the design submitted with the Applicants' August 4, 2006 Pre-hearing Statement included a darker color of pre-cast concrete. The Applicants have also increased the glazing along M Street and 2nd Street, in order to

The M Street façade articulation is composed of a number of curtain wall systems that are expressed both vertically and horizontally. The vertical glass curtain wall system on M Street continues around to 2nd Street, providing coherence and consistency between the two facades. The curtain wall at the corner of 2nd and M Streets, located between the third floor and ninth floor, conveys a tower element, without creating an actual tower, and gives visual significance to the corner without compromising the greater importance of the main building entrance. The column at the corner of M Street and 2nd Street helps to transition this portion of the curtain wall and provides transition between the building and the base of the building.

The 2nd Street façade maintains the combination of pre-cast concrete and glass curtain wall composition, in order to capture the context of 2nd Street. The 2nd Street façade is more pedestrian and civic in scale. The addition of the metal cornice treatment along 2nd Street places an emphasis on the importance of the Canal Blocks Park and provides compositional relief to the building façade along 2nd Street.

The effect of this design is to complement the Canal Blocks Park and to make the building more inviting to District residents, park patrons, and office and retail tenants.

B. Perspective Drawings Showing the Relationship between the Ground Floor along 2nd Street and the Canal Blocks Park

The Applicants have included a perspective drawing showing the relationship between the ground floor of the Building along 2nd Street and the Canal Blocks Park. That perspective drawing is located on Sheet A2.01D of the Plans.

The revised design has relocated the PEPCO vaults from the corner of 2nd and M Streets, S.E., to the service drive located at the north end of the site. The relocation of the PEPCO vaults accommodates greater retail use at the corner of 2nd and M Streets, S.E., and provides a more pedestrian-friendly streetscape at that corner.

To enhance the pedestrian experience at the ground floor, the retail storefronts have been brought to the Build-to line, which has the effect of engaging retail activities and animating the street and sidewalks along 2nd and M Streets, S.E. A two foot glass canopy along 2nd Street floats above each retail bay, serving to reduce the scale of the building to a scale that promotes pedestrian-friendly activity at the ground floor.

C. Explanation of the Elements of the Application which Exemplify Superior Architecture

At the public hearing on the application, the Zoning Commission asked the Applicants to explain the elements of this application which exemplify superior architecture.

As part of the approval of the comprehensive Capper/Carrollsborg PUD, which included both preliminary and consolidated approvals, the Zoning Commission in Finding of Fact No. 49(b) of Z.C. Order No. 03-13/03-13, attached hereto at Exhibit C, identified urban design and architecture as a public benefit and amenity. This Building is part of that exemplary redevelopment of one of the most severely deteriorated public housing projects in the city.

This application includes a number of elements which exemplify superior architecture.

These elements include:

- The design of a building façade that recognizes the significant role the Building plays in establishing a gateway to the Canal Blocks Park;
- The goal of attaining Silver LEED certification;
- An increase in the amount of glazing along M Street, which reduces the amount of pre-cast concrete along M Street;
- The emphasis on the pedestrian experience at the ground floor as illustrated by the two foot glass canopies which float above each retail bay to reduce the scale of the building;
- An increase in the size of the window openings of the pre-cast concrete portion of the 2nd Street façade in order to achieve greater visibility of the future Canal Blocks Park for office employees;
- The use of pre-cast concrete and glass curtain wall treatments to create horizontal and vertical curtain wall systems throughout the Building;
- The vertical curtain wall system along M Street which provides coherence and consistency between the M Street façade and the 2nd Street façade; and
- The use of the metal cornice treatment to emphasize the importance of the Canal Blocks Park and to terminate the building top.

The design of the Building is also consistent with the Urban Design Guidelines established in Z.C. Order No. 03-12/03-13. The Urban Design Guidelines applicable to this application include:

- Buildings along M Street must be to a Build-to line established by the setback of the existing office building in Square 800;

- All ground floor retail must be located at Build-to lines at M Street and at 2nd Street;
- Building heights for the office program along M Street shall respect the vision of M Street as a primary mixed-use avenue;
- Building heights must be at 110 feet;
- The office at 250 M Street should be designed to recognize its role as a gateway to Canal Park;
- Primary office entry shall be from M Street with retail entrances at M and 2nd Street;
- The facades of the 250 M Street building should recognize the significant role the building establishes as a gateway to Canal Park; and
- Loading berths shall be accessed from new service alleys.

The consistency of the revised design with the Urban Design Guidelines and the plans prepared by Torti Gallas Partners is an element that exemplifies the superior architecture associated with the Building.

The Building is a part of the larger architectural plan for the Arthur Capper/Carrollsborg planned unit development. The Applicants have centered the design of the Building around the Building's role within the Arthur Capper/Carrollsborg PUD. As such, the Building in its totality exemplifies the superior architecture included in the redevelopment of the Arthur Capper/Carrollsborg Dwellings.

D. Clarification of the Employment Plan in the First Source Employment Agreement

At the public hearing on the application, members of the Zoning Commission requested that the Applicants clarify the Employment Plan submitted with the First Source Employment Agreement. Specifically, the Zoning Commission asked the Applicants to address the "N/A" which appears in the "New Job Creation Projections" section of the Employment Plan submitted with the Applicants' August 4, 2006 Pre-hearing Statement.

As stated at the public hearing, the Applicants will comply with the First Source Employment Agreement with the Department of Employment Services in order to achieve the goal of utilizing District of Columbia residents for at least 51% of the jobs created by this second-stage application. The "N/A" appearing in the "New Job Creation Projections" was only applicable to Square 769, LLC because Square 769, LLC does not anticipate that any jobs will be created within that entity as a result of the development of this PUD. The contractor will create the construction jobs related to the development of this PUD.

As the Applicants' witness Brad Fennell testified, the new job creation projections are determined as part of an applicant's contract with their general contractor. Typically, the final Employment Plan is completed once the property owner has received assurances that it may proceed with the architectural plans as submitted, the financing of the project is in place and the owner is under contract with a general contractor. The Employment Plan and First Source Employment Agreement are normally part of the contract between the property owner and general contractor. The Applicants' execution of the First Source Employment Agreement obligates the Applicants and their contractor to comply with the First Source program. As of May 3, 2007, the Applicants have not received assurances that they may proceed with the Plans nor have the Applicants entered into a contract with a general contractor. Thus, the new job creation projections have yet to be determined.

The Applicants will provide a complete Employment Plan prior to the commencement of construction. That Employment Plan will detail the jobs created by the contractor as a result of the development of this PUD. The Applicants, in accordance with Z.C. Order No. 03-12/03-12, dated February 6, 2004, will give special consideration for hiring of residents from the Near Southeast community. The Applicants will provide information regarding available jobs created by the development of 250 M Street to the Capper/Carrollburg on the Hill Community Development

Corporation and to ANCs 6B and 6D for dissemination to the surrounding communities. The Applicants are committed to meeting the goals of the First Source Employment program.

E. Identification of Surfaces for PEPCO Vaults Located on the Property

The Applicants have relocated the PEPCO vaults, which will be at the Applicants' expense, from the corner of 2nd and M Streets, S.E. to the service drive located at the north end of the site and they are no longer located in public space along 2nd Street. As a result of the relocation of the PEPCO vaults to the service drive, the Applicants have selected metal grating as the surface for the PEPCO vaults located on the property.

**II.
THE APPLICANTS' RESPONSE TO THE OFFICE OF PLANNING'S
RECOMMENDATION OF APPROVAL SUBJECT TO A
COUNTERSIGNED MEMORANDUM OF UNDERSTANDING WITH THE
DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**

At the public hearing on the application, the Office of Planning recommended approval of the application, provided that the Applicants obtain a countersigned Memorandum of Understanding with the Department of Small and Local Business Development (the "LSDBE Agreement") prior to the Zoning Commission's final action in the case.

On December 5, 2006, the Applicants submitted the Applicants' April 21, 2006 Final Application for Approval of a PUD, the Applicants' August 4, 2006 Pre-hearing Statement and Revised Architectural Plans and the Applicants' November 17, 2006 Supplemental Filing in Support of Its Application for Second-Stage Approval of a PUD to the Department of Small and Local Business Development. The Applicants have coordinated with Moses Animashaun of the Department of Small and Local Business Development regarding the countersignature of the LSDBE Agreement. The Applicants were informed that a final budget for the construction of the PUD is required before the Department of Small and Local Business Development can countersign the LSDBE Agreement. The Applicants commit to submitting the final budget for the project on or

before the filing of a building permit. The Applicants also commit to complying with the LSDBE Agreement.

III. 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 respectfully request that the Zoning Commission approve this PUD application.

Respectfully submitted,

HOLLAND & KNIGHT LLP


Wayne S. Quin, Esq.


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

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, DC 20006
(202) 955 - 3000

4521685_v4