

December 28, 2007

VIA HAND DELIVERY

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

#03-12F/03-13F
DO NOT WRITE IN THESE SPACES
RECEIVED

Re: Minor Modifications to the Approved Architectural Plans in
Zoning Commission Order No. 03-12C/03-13C

Dear Members of the Zoning Commission:

On behalf of Square 769, LLC and the District of Columbia Housing Authority (collectively, the "Applicant"), the owners of Lots 18, 20 and 21 in Square 769 (the "Property"), we hereby request that the Zoning Commission approve modifications as described herein to the office building to be located at 250 M Street, S.E., approved in Zoning Commission Order No. 03-12C/03-13C. A copy of that Order is attached as Exhibit A and a copy of the approved plans referenced in that Order is attached as Exhibit B. The purpose of the modification is (1) to increase the measured height of the building from 110 feet to 130 feet (although the overall height to the top of the roof structure is increased by a significantly lower amount), as allowed under the Zoning Regulations and the Act of 1910 due to the recent approval of the reopening of 2nd Street east; and (2) to increase the gross floor area of the building within the limit originally prescribed by the Commission in the preliminary PUD approval. We also respectfully request that the Zoning Commission consider the proposed modifications described herein as a consent calendar item at the Zoning Commission's first available public meeting.

Enclosed with this letter are a check for the filing fee of \$400, in accordance with §3040.4 of 11 DCMR (the "Zoning Regulations"), and architectural plans illustrating the requested modifications; the architectural plans are attached hereto as Exhibit C. The Applicant has delivered a copy of this letter and its accompanying exhibits to the Office of Planning and Advisory Neighborhood Commission ("ANC") 6D, the ANC within in which the Property is located.

The approved PUD and the requested minor modifications are described below.

I. Zoning Commission Order No. 03-12C/03-13C

On May 14, 2007, the Zoning Commission voted 5-0-0 to approve Zoning Commission Case No. 03-12C/03-13C, a case concerning second-stage approval of the Applicant's proposed office building with ground floor retail at 250 M Street, S.E. The Applicant's proposed development at 250 M Street is part of the preliminary Planned Unit Development ("PUD")

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District of Columbia
District of Columbia

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EXHIBIT NO. 2

approved in Zoning Commission Order No. 03-12/03-13 (the "Capper/Carrollsbury PUD"). The purpose of the Capper/Carrollsbury PUD is to replace and redevelop a severely deteriorated public housing project in the city through the use of a HOPE VI grant from the U.S. Department of Housing and Urban Development. The Capper/Carrollsbury PUD permitted the development of the Property with an office building built to a height of 110 feet with a gross floor area of up to 236,000 square feet.

The office building which was approved in Order No. 03-12C/03-13C (the "250 M Street PUD") significantly advances the overall goals of the Capper/Carrollsbury PUD by providing financial leverage for the construction of the replacement public housing. Z.C. Order No. 03-12C/03-13C allows the Applicant to develop the Property with an office building built to a height of 110 feet (plus roof structure of an additional 18 feet, 6 inches) with a gross floor area of 207,785 square feet and an FAR of 7.20.

II. Requested Minor Modifications

As set forth herein, the Applicant requests that the Zoning Commission approve modifications to the approved plans to: (1) increase the building height from 110 feet to 130 feet; and (2) increase the gross floor area from 207,785 square feet to 233,405 square feet, i.e. increase the FAR from 7.20 to 8.34.

A. Building Height of 130 Feet

Condition No. 8 of the Capper/Carrollsbury PUD limited the building height of 250 M Street to 110 feet. At the time that the Capper/Carrollsbury PUD was approved, 2nd Street was not an open public street. The rights-of-way of 3rd and M Streets were each 90 feet wide, thereby permitting a maximum building height of 110 feet under the Act of 1910.

However, since that time, the Council passed and the Mayor signed legislation reopening 2nd Street as a public street. A copy of the street opening plat is attached as Exhibit D. Reservation 17D, to be improved as part of the Canal Blocks Park, lies in the middle of the two pieces of 2nd Street. With the street reopened as shown, the Zoning Administrator has confirmed that the Act of 1910 allows a building to be built to a maximum height of 130 feet in the circumstance where the reservation lies between the two parts of the street.

The attached architectural plans illustrate the proposed building height for 250 M Street and provide a rendering which compares the proposed building height for 250 M Street and the building height which was approved in the 250 M Street PUD. The approved building was at a height of 110 feet plus a mechanical penthouse that at its highest point was 18 feet, 6 inches above the roof, making the absolute top of the building at 128 feet, 6 inches above the measuring point. The Applicant has redesigned the building so that even though a full 10th floor has been added, the 11th floor is half occupied space and half penthouse for mechanical equipment and cooling tower. The top of the sloped penthouse roof exceeds the 130 foot height by only 6 feet, 1 inch. The 20 foot increase in building height results in only a nominal 7 foot, 7 inch, increase in the overall height and that for a small percentage of the total roof area.

The proposed building height for 250 M Street is consistent with and complements the heights of buildings in the surrounding area. Across 2nd Street, the Federal Gateway Building, which is also known as 1100 New Jersey Avenue, S.E., and which was also designed by Hickok Cole Architects, has a building height of 130 feet. The west building of the Department of Transportation Headquarters located at 300 M Street and the combination apartment house/hotel in the block bounded by 2nd, K and L Streets and New Jersey Avenue are also built to a height of 130 feet. Accordingly, 250 M Street with its proposed building height will be in scale with the buildings immediately adjacent to the Property.

B. Gross Floor Area of 233,405 Square Feet

The increase in building height is proposed so that the gross floor area of the building can be increased to be closer to the amount approved by the Zoning Commission in the original Capper/Carrollsborg PUD. The Applicant proposes to increase the gross floor area from 207,785 square feet to 233,405 square feet, which is approximately 2,600 square feet less than the permitted gross floor area of 236,000 square feet approved in the Capper/Carrollsborg PUD.

The proposed plans reflect the same site plan and the same building design as approved by the Zoning Commission, with the same landscape treatment, the same locations for retail uses on the ground floor, the relocation of the PEPCO vaults to the service alley at the rear, the same circulation plan and the same green roof situation as set forth in the prior plans. The building has been revised to be in compliance with all of the requirements of the Regulations, except for the sloped roof on the top of the building, which results in a penthouse with walls of unequal height. The approved plans also showed a sloped roof on the top of the building, so no additional zoning relief or flexibility is required or requested.

C. Table Summarizing Requested Minor Modifications

The following table summarizes the requested minor modifications:

| | Maximum allowed/ Minimum required | Approved Plans | Proposed Plans |
|--------------------------------------|--|-------------------|-------------------|
| Height (to the top of the parapet) | 130 feet max | 110 feet | 130 feet |
| Height (to the top of the penthouse) | 18', 6" max | 128', 6" | 136', 1" |
| Gross floor area | 236,000 sf max | 201,408.85 sf | 233,404.67 sf |
| Office gross floor area | | 190,244.09 sf | 222,698.38 |
| Retail gross floor area | | 11,164.76 sf | 10,706.29 |
| Penthouse gross floor area | 10,351 sf max | 6,375.56 sf | 4,053.99 sf |
| FAR | | 7.20 | 8.34 |
| Penthouse FAR | | 0.23 | 0.14 |
| Percentage of lot occupancy | 100% max | 83.26% | 82.59% |
| Depth of rear yard | 2 1/2" / foot of height min (23', 4 5/8"/27', 6 5/16") | 30.35' | 30.35' |

| | | | |
|--------------------------------|--|-----|-------------|
| Width of north side yard | 2" / foot of height min (18', 4"/21', 7 1/2") | 20' | 21', 7 1/2" |
| Parking spaces | 150 min | 239 | 235 |
| Full sized spaces | | 170 | 170 |
| Compact spaces | | 27 | 27 |
| Stacked spaces | | 42 | 38 |
| Loading berths @ 30 feet deep | 2/3 | 2 | 3 |
| Service/delivery loading space | 1 | 1 | 1 |

III. Consent Calendar

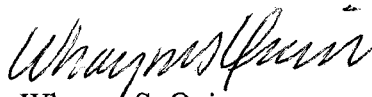
Section 3030 of the Zoning Regulations allows the Commission to approve minor modifications to a PUD without going through the normal notice and hearing process. The Applicant requests that the Commission approve the revised plans on the consent calendar. As noted above, the requested height is only an effective increase of 7 feet, 8 inches, above the top of the penthouse previously approved and only for a small portion of the roof. The total proposed gross floor area is less than the amount approved in the original Capper/Carrollsborg PUD. The changes proposed will allow the Applicant to achieve close to the density permitted, which will create a greater income stream to underwrite the cost of replacing public housing units on a 1:1 basis in the project. Further, the applicant has had interest from prospective tenants who are looking for more space in the building than can be accommodated under the current approved plans. Approving this application through the consent calendar will allow the Applicant to continue with its program to design market and construct the building in a shorter time frame.

IV. Conclusion

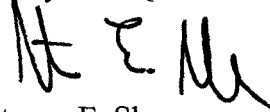
For the reasons stated above, the Applicant respectfully requests that the Zoning Commission approve the requested minor modifications to Z.C. Order No. 03-12C/03-13C.

We thank you for your attention to this matter.

Sincerely,



Whayne S. Quin



Steven E. Sher

Director of Zoning and Land Use Services

Attachments

cc: Joel Lawson – Office of Planning (w/attachments)
ANC 6D (w/attachments)