

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

KYRUS L. FREEMAN
202-862-5978
kyrus.freeman@hklaw.com

January 16, 2015

VIA IZIS AND HAND DELIVERY

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

Re: **Post-Hearing Submission Materials and Draft Zoning Commission Order**
Z.C. Case No. 03-12Q/03-13Q

Dear Members of the Zoning Commission:

On behalf of Capper/Carrollsburg Venture, LLC, together with the District of Columbia Housing Authority ("DCHA"), collectively the "Applicant" in the above-referenced application, we hereby submit the following proposed conditions regarding the placement of the 30 annual contribution contract ("ACC") public housing units on Square 737, and the requested flexibility regarding the placement of the remaining 206 public housing units within the overall Capper/Carrollsburg development project:

Conditions regarding the modification to locate 30 units on Square 737

1. The Applicant shall ensure that the development on Square 737 includes 30 ACC units, subject to the following conditions:
 - a) The Applicant shall record a covenant in the land records of the District of Columbia ensuring that no fewer than 30 ACC units shall be located throughout the building(s) being developed in Square 737 and shall be delivered for occupancy by January 31, 2021.
 - b) The ACC units on Square 737 shall include a mix of efficiency, one bedroom, and two bedroom units. However, the Applicant shall have the flexibility to adjust the unit mix without requiring Zoning Commission approval in order to accommodate the needs of DCHA's current and future residents so long as a total of 30 units are located in the building(s) being developed on Square 737.

- c) The 30 ACC units shall be indistinguishable from the market rate units. Occupants of the 30 ACC units shall have access to all building amenity spaces.

Condition regarding modification for flexibility regarding the remaining 206 ACC units

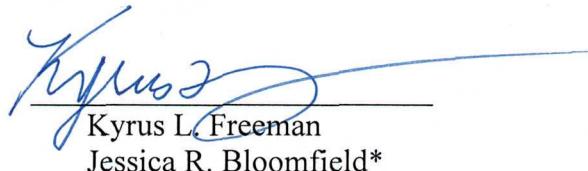
1. The Applicant shall have the flexibility to reallocate the distribution of the remaining 206 ACC units within Squares 739, 767, and 768 provided that the percentage of ACC units within each square shall be no less than 15% of the total number of residential units on the square and no more than 50% of the total number of residential units on the square.

The Applicant vetted the proposed conditions with the Office of Planning (“OP”). The Applicant believes that the conditions properly balance the need for flexibility to allow the Applicant to move forward with development of the remaining squares as quickly as possible, with the degree of certainty that the Zoning Commission needs to approve the application.

In addition, attached hereto as Exhibit A is the Applicant’s draft findings of fact and conclusions of law, as requested by the Zoning Commission at the January 8, 2015 public hearing on this case.

Respectfully Submitted,

HOLLAND & KNIGHT LLP



Kyrus L. Freeman
Jessica R. Bloomfield*

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

*Admitted to practice in Pennsylvania. Practicing in the District of Columbia pursuant to D.C. Court of Appeals rule 49(c)(3).