

WECA's Response to Post-Hearing Submission for 2201 M Street (ZC Case No. 07-21)

On 2/25/08, the Zoning Commission asked the Applicant ("Per Star") to submit by 3/17 additional materials for 2201 M Street in Square 50 (Case No. 07-21). On 3/6, Per Star requested more time. On 3/24, Per Star submitted some additional materials to the Commission but some Parties, including the West End Citizens Association (WECA), did not receive their copies until 3/25. During the 2/25 hearing, the Commission asked the Parties to respond to Per Star's post-hearing submission by 3/24. At the 3/6 request of the Applicant, this date was extended to 3/31. Due to the late receipt by some Parties, this due date was further extended by the Office of Zoning (OZ) to 4/1. This document constitutes the WECA's response to the Applicant's post-hearing submission.

In its post-hearing submission, the Applicant did not respond to the Commission's concerns about certain proffered amenities, as it was requested to do. In OZ's hearing wrap-up, it stated, "**Mr. Hood asked regarding the amenities, that they be fleshed out** because the ANC – the MOU can't be included. So, those conditions need to be in the order and reminded the Applicant the ANC can't receive the money" (2/25/08 transcript, p. 361) (emphasis added).

During the hearing, the following comments were made by the Commission and the Office of Planning (OP):

- Chairman Hood – "let's look at this memorandum of understanding. Typically, as you know, we don't incorporate memorandums of understanding in our orders ... We may point to it ... needs to show how it's being administered especially A, B, C and D" (transcript, pp. 203-4)
 - Applicant's attorney – "We understand ... There is mechanisms to work out all these things ... And, we will make that clear in our submission" (transcript, p. 205) (emphasis added)
- OP - "OP doesn't feel should be counted as a proffer and that's the payback of a debt from a previous sculpture project" (transcript, p. 232)
- OP - "we recognize that the Applicant needs ... to specify administrative measures and measurable standards for determining whether project – amenity projects have actually reached completion or not" (transcript, pp. 232-3)
- Chairman Hood – "We may need to revisit that whole amenity" [repayment of a loan from the Foggy bottom Association Defense and Improvement Fund to the Foggy Bottom Association for an arts project] ... "We probably need to start looking at something else" (pp. 292-4)

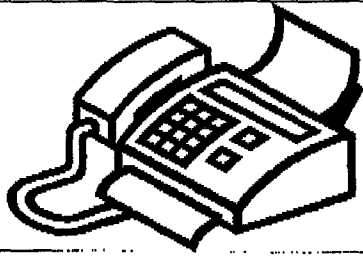
The WECA hopes that the Applicant will respond to these stated concerns before any action is taken by the Commission and, after doing so, the WECA would like an opportunity to respond. As stated in our testimony, "The WECA had also recommended upgraded streetlights in the adjoining street grid [in] the West End. Hopefully, this amenity will be provided in a future PUD" (transcript, p. 277).

ZONING COMMISSION
District of Columbia

CASE NO. 07-21
EXHIBIT NO. 61

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Pages: Cover + 1

Regarding: ZC No. 07-21

Comments:

Attached is the WECA's 3/31/08 response to the Applicant's post-hearing submission for 2201 M Street (ZC No. 07-21). Thanks for the extension until tomorrow for this submission & our Findings of Fact.

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