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December 5, 2006

VIA HAND DELIVERY

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

Re: Zoning Commission Case No. 06-13
1000 Connecticut Avenue, N.W. PUD

Dear Members of the Commission:

On behalf of the Applicant, and pursuant to section 3024.3 of the Zoning Regulations, we hereby offer the following response to the Office of Planning's Supplemental Report dated December 4, 2006. The report is extremely disappointing in that it overlooks or disregards testimony in the record on pertinent points, misstates what is achieved through this Planned Unit Development ("PUD"), and critiques the building without applying – let alone mentioning – the PUD evaluation standards, the only standards by which the design can be judged.

Architectural Design

First, the Office of Planning ("OP") fails to acknowledge that as a proffered public benefit of the proposed PUD, the architectural design and features of the building must be evaluated in accordance with section 2403.6 of the Zoning Regulations. That section provides that "[p]ublic benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general *to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.*" (Emphasis added). At no time during this process has OP applied the relevant evaluation standard. Instead, it has offered an architectural critique that misunderstands the design intent of Cobb Freed & Partners. In essence, a planning agency is attempting to reinterpret and redesign the building to its personal predilections, despite its statements to the contrary. It is one thing to suggest adjustments to refine a design (which have been accommodated in the revised plans); it is another thing to attempt to force a redesign of a project (which goes far beyond the criteria of zoning and the PUD regulations).

ZONING COMMISSION
District of Columbia

CASE NO. 06-13

EXHIBIT NO. 318
ZONING COMMISSION
District of Columbia
CASE NO. 06-13
EXHIBIT NO. 36

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For example, OP states that it is concerned with the angle of the chamfered corner because it reads as a "weak" element from the K Street. OP misses the point. The corner was specifically designed to complement the L'Enfant Plan by giving a stronger vantage point to and from Farragut Square, as amply demonstrated through the diagrams presented in the PowerPoint presentation at the hearing. A copy of a portion of the presentation is attached hereto with a copy of the revised perspective. The pedestrian experience of the building is heightened by the purposely chosen angle of the chamfered corner.

OP also seems to want a uniform architecture on Connecticut Avenue and K Street. This is simply not the design solution proposed by Cobb Freed & Partners, which deliberately created different treatments to respond to the entirely different character of Connecticut Avenue and K Street. This approach was successfully employed on the PUD at 1700 K Street and similarly succeeds here. The design for Connecticut Avenue was chosen to emphasize the retail nature of Connecticut Avenue, as well as providing views toward Farragut Square and the White House beyond. In contrast, the K Street façade respects the character of the office buildings along K Street and the building line treatment on both the north and south side. In short, to follow OP's suggestion of a uniform façade treatment undermines the fundamental design prerogatives desired by both the owners and the world class architectural firm of Cobb Freed & Partners.

Project Amenities and Public Benefits

OP makes a special effort to critique the Applicant's characterization of the housing amenity. The Applicant is fully aware that a significant portion of the contribution is a requirement of the PUD regulations. However, OP misses the larger point that without this PUD, there would not be *any* contribution to affordable housing, let alone a substantial increase of over \$172,000 above the PUD requirement. The whole thrust of a planned unit development is to provide a better building for the site with better benefits for the community. This highlights the fundamental omission of the OP report: its failure to provide a comparison of what benefits are provided by this PUD project that would otherwise not be provided through a matter-of-right project. The level of amenities provided with this PUD, as described in Applicant's draft order, meets and exceeds other PUDs, as set forth in the record.

FAR Flexibility

Finally, OP suggests that the Applicant failed to present any discussion at the hearing or in its written submissions regarding the essential nature of the additional 0.12 FAR being requested above the PUD guidelines for the C-4 District. OP is mistaken. We refer the Zoning Commission to the report submitted to the record by Steven E. Sher and his testimony before the Commission at the public hearing, which can be found at pages 47-50 of the transcript, wherein the need for the additional FAR is discussed in detail. Copies of Mr. Sher's report and the relevant pages of the transcript are attached.

Conclusion

Based on the plans, the evidence of record, and the testimony at public hearing, as well as the supplemental filing made by Applicant with adjustments in the architecture, the Applicant submits that this project meets all the tests of being a superior building to matter of right as appropriate under a PUD. The essential design of the building is critical to execution of a lease with the major prospective tenant for the building, and in order to meet the leasing schedules of the major tenants, a favorable decision of the Zoning Commission on this application is requested on December 11, 2006.

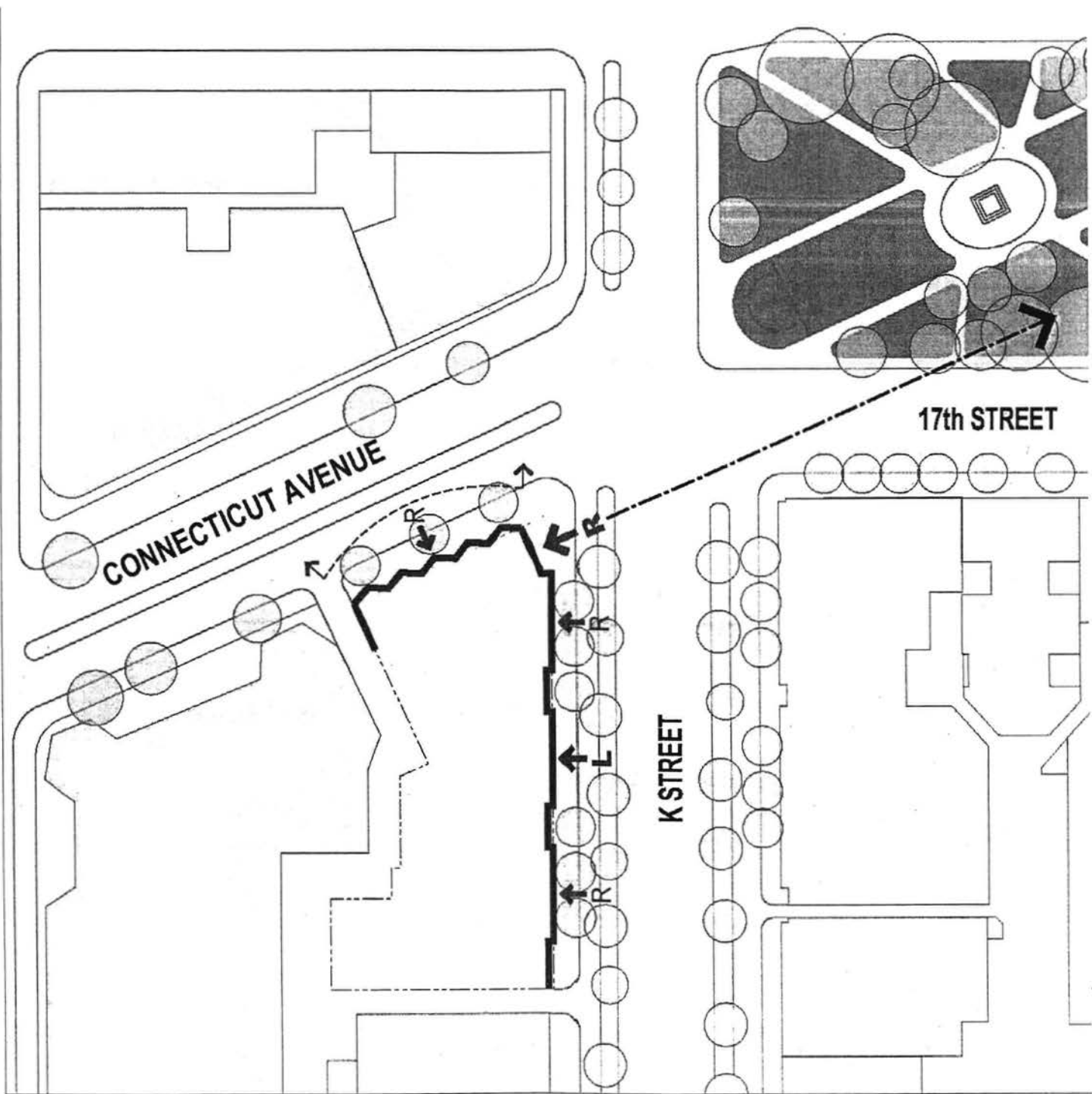
Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Whayne S. Quin
Carolyn Brown

Attachments

cc: Maxine Brown-Roberts, OP (w/attach.)
Advisory Neighborhood Commission 2B (w/attach.)





COBB FREED & PARTNERS Architects LLP

OG Associated Architect

Owner & Developer 1000 CONNECTICUT ASSOCIATES

1000 Connecticut Avenue NW

Washington, D.C.

PERSPECTIVE RENDERING
 Corner View @ Connecticut Avenue & K Street
 November 2006

A-31
 scale: N.T.S.

REPORT TO THE ZONING COMMISSION

CASE NO. 06-13

1000 CONNECTICUT AVENUE, N.W.

**STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP**

OCTOBER 23, 2006

- I. Introduction
- II. Nature of application: consolidated review of planned unit development
- III. Site location
 - A. Northwest corner of the intersection of 17th and K Streets, N.W.
 - B. Site known as 1725 K Street and 1000 Connecticut Avenue, N.W.
 - C. Central Employment Area, within the Golden Triangle BID, facing Farragut Square
- IV. Site description
 - A. Southeast corner of the square bounded by 18th, K and L Streets and Connecticut Avenue, N.W. (Square 163, Lots 803, 804, 805, 806 and 847 and a portion of the public alley proposed to be closed)
 - B. Contains approximately 33,230 square feet of land area
 - C. Has frontage of approximately 314 feet on K Street and 143 feet on Connecticut Avenue
 - D. Abuts a twenty and thirty foot wide public alley on the north, which connects to Connecticut Avenue, and a fifteen ten foot north-south public alley on the west, which connects to K Street
 - E. Existing buildings
 - 1. 1000 Connecticut Avenue
 - a) Office building built in 1959
 - b) Contains general office use as well as retail and service uses on the first floor

b) \$69,600 contribution to Dupont Circle Citizens Association for renovation of and improvements to Reservation No. 149 at 20th and Q Streets, N.W.

c) LSDBE/DOES commitments

balanced against

E. Development incentives:

1. No increase in height
2. 37,000 square foot increase in commercial gross floor area over matter-of-right (approximately 16,295 square feet more than existing condition)

F. Area of flexibility from C-4 or PUD standards: FAR

1. PUD guideline: 11.0
2. Up to an additional 5% may be authorized for an increase "essential to the successful functioning of the project and consistent with the purpose and evaluation standards"
3. Provided: 11.11 FAR (increase of 3,754 square feet – 1%)
4. Justification:
 - a) Existing buildings are already at more than the permitted FAR
 - b) Successful project requires capturing as much density on site, to leverage replacement of older buildings with no parking and out-dated floor plates and systems with a modern office building
 - c) In conjunction with alley closing, allows for regular floor plates at upper floors and provides for sufficient space for both corridors and offices on the north side of elevator core, which is fit within a column bay
 - d) Expanded lobby accounts for much of increase (fit within center section of the building)
 - e) Extra density will have minimal impacts
 - f) Perceived bulk is no greater than current buildings

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
: :
1000 CONNECTICUT AVENUE : Case No.
: :
ASSOCIATES & PNC BANK, TRUSTEE: 06-13
: :
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Monday,
October 23, 2006

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 06-13 by the District of Columbia Zoning Commission convened at 6:30 P.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

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WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
BEVERLEY BAILEY	Sr. Zoning Specialist
JOHN NYARKU	Zoning Specialist
TRACEY W. ROSE	Sr. Zoning Specialist
ESTHER BUSHMAN	General Counsel

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN
JENNIFFER STEINGASSER
JOEL LAWSON
STEVE COCHRAN
TRAVIS PARKER
KAREN THOMAS
ARTHUR JACKSON
JOHN MOORE
MAXINE BROWN-ROBERTS
ARTHUR ROGERS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.
LORI MONROE, ESQ.
MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from the Public Hearing held on October 23, 2006.

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1 pleased to have a very positive report for
2 them. Given that positive report, we're going
3 to just submit our report to you and I won't
4 testify this afternoon or evening, but I'll be
5 ready for your questions.

6 MR. QUIN: I hope that was short
7 enough for Mr. Slade and our last witness is
8 Mr. Sher.

9 MR. SHER: Mr. Chairman, Members of
10 the Commission, for the record, my name, is
11 Steven E. Sher, the Director of Zoning and Land
12 Use Services with the law firm of Holland and
13 Knight.

14 I'd like to cover briefly in light
15 of the enormous amount of time that I have four
16 points.

17 Number one, the relationship of
18 public benefits and amenities to the degree of
19 and centers of flexibility that we've
20 requested. You've heard through the discussion
21 before including testimony of Mr. Gewirz and
22 Mr. Barris what the project involves. Our on-

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1 site amenities are designed, the streetscape,
2 the sustainable design, green roof, our off-
3 site affordable housing which I'm going to come
4 back to in a little bit, our community
5 amenities including the contribution to the
6 Golden Triangle bid and to the Dupont Circle
7 Citizens' Association for renovation and
8 improvement to reservation number 149 and our
9 LSDBE and DOES commitments and that's balanced
10 against no increase in height, approximately
11 37,000 square feet of commercial gross floor
12 area over matter of right, but that's only
13 about 16,000 square feet more than the existing
14 condition because the existing buildings
15 predate the C4 zoning and actually exceed what
16 could be built today as a matter of right.

17 In terms of the areas of
18 flexibility from the C4 or PUD standards, as we
19 indicated, our overall FAR is 11.11. That's an
20 increase of 3,754 square feet over the 11 FAR
21 which the PUD guidelines for C4 provide on a
22 street that's 110 feet wide. That's 1 percent

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1 over what the regulations would allow on a PUD.

2 Why are we asking for 3,754 square
3 feet more? Why are we asking for that 1
4 percent? As I just indicated, the existing
5 buildings are already at more than the
6 permitted FAR. So, in order to make this
7 project successful, we're required to capture
8 as much density as we can on-site to leverage
9 the replacement of those older buildings which
10 have no parking, outdated floor plates and
11 outdated systems with a modern office building.

12 In conjunction with the alley
13 closing and you may remember the floor plan
14 that Mr. Barris displayed before, that allows
15 us to do regular floor plates at the upper
16 floors and provides for sufficient space for
17 both the corridor and offices on the north side
18 of the elevator core. You remember the
19 elevator core is in the center of the building.
20 It's set back three bays from the K Street side
21 which puts it in the middle of a column bay
22 along the -- in the east/west direction of the

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1 building and that doesn't leave a whole lot of
2 space behind the building unless we can fill in
3 that space by closing alley and picking up the
4 extra floor area.

5 The expanded lobby on the ground
6 floor which as Mr. Barris described also
7 accounts for much of that increase. We take
8 the entire center section of those three
9 pavilions on K Street and devote the first
10 floor to lobby which is -- while it's countered
11 in FAR, it's not office. It's not rentable.
12 It's not usable to the building other than as
13 sort of a grand entrance. Typically, the
14 entrance to an office building would not be
15 nearly that large, but in following on the
16 design theories which you've just heard
17 explained, we have that much more space in the
18 lobby in the center of the building.

19 The density because it's so small
20 has minimal impacts and the basic bulk of the
21 building is no greater than what you would see
22 without it. That was the first point.

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