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January 10, 2011

VIA HAND DELIVERY

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

Re: Application for a First-Stage Planned Unit Development, a Consolidated Planned Unit Development and a Zoning Map Amendment
Return to L'Enfant PUD (Center Leg Freeway) – Northwest, Washington,
Post-Hearing Submission - Zoning Commission Case No. 08-34

Dear Members of the Commission:

On behalf of the Applicant in the above-referenced case, enclosed please find twenty copies of this Post-Hearing Submission in accordance with the requests made by the Zoning Commission at the conclusion of the public hearing on this case on December 6, 2010. The requested information includes the following:

- South Block Massing (including massing options and setback on E Street)
- Design of the North Block (including additional information and clarification)
- Retail Strategy and Retail Commitments
- Measurement of Height
- Proximity of Residential and Office Buildings in Center Block
- Parking and Loading for the Project (including availability of reductions in minimum requirements and shared use of 55-foot loading berth)
- Additional Information regarding Specified Amenities (including information regarding the eco-chimney, the contribution to Casey Trees for park improvements, and track record for First Source and CBE efforts)
- General Flexibility for PUD (including refinements to request)

Each of these elements is addressed below in this Post-Hearing Submission.

ZONING COMMISSION
District of Columbia
CASE NO. 08-34
EXHIBIT NO. 47

South Block Massing

The Zoning Commission raised concerns as to the massing and density of the South Block of the project as well as the width of the sidewalk along E Street. The Applicant has revisited the South Block in its entirety and proposes the following changes that ultimately reduce the gross floor area to be constructed within it. First, the Applicant has agreed to set back the South Block building abutting E Street to match the building line to the west. This set back results in an approximately 10 foot sidewalk and provides general continuity of the urban street wall in this location. A plan showing the proposed set back is attached at Tab 1.

Second, the Applicant has evaluated a variety of massing options for the commercial office building in the South Block, some of which are shown in the plans attached at Tab 2 and all of which reduce the gross floor area of the South Block by 30,000 square feet. These options include possible carve outs at the edges of the building, atriums at various levels, and mid-block openings, all of which would serve to reduce the appearance of the mass of the building while preserving a minimally sufficient amount of floor area to justify construction of the platform above the Center Leg Freeway. It should be noted that the South Block building has not yet been designed; however, based on these and other design options that have been evaluated, the Applicant can create an articulated design that breaks down the massing of the building.

Accordingly, because the Applicant expects to achieve a massing that breaks down the scale of the building and will bring such a design to the Zoning Commission as part of a second-stage PUD application, the Applicant hereby proposes to limit the maximum overall gross floor area of the South Block. This reduction results in a total FAR in the South Block of 9.5 based on the land area of the South Block. An updated Tabulation of Development Data for the South Block as well as the overall project due to these changes is included at Tab 2. With this reduction in the maximum gross floor area, the Commission can be assured that the Applicant will have sufficient design and massing options that can be included in a future second-stage PUD application that will keep to the lower density approved in the PUD and will result in a sculpted building acceptable to the Zoning Commission.

Design of the North Block

The Zoning Commission and the Office of Planning have requested that the Applicant review the design of the North Block to determine whether refinements or modifications would benefit the project. Initially, the North Block incorporated two buildings. At set down, the Zoning Commission indicated concerns regarding this design, especially with respect to the perceived mass of the overall block. Accordingly, the Applicant and its architects worked through a series of design iterations to modify and refine the initial plan. During this time, the Applicant determined that the two-building scheme also resulted in overly-large and deep office floor plates and that it did not offer the visual interest or the ground-level experience that could be achieved through other configurations. Thus, significant revisions were made to create the best urban massing solution.

The result of this evaluation and redesign was a solution incorporating three harmonizing buildings that are viewed together as a whole. While the three-building solution results in a

reduction in the perceived massing of the buildings, more appropriately sized floor plates, and greater visual interest, it more importantly results in a building layout that creates an opportunity to make a series of very accessible, interconnected and exciting public spaces. The skin of the buildings, their separation and articulation, the materials proposed for the ground floor level, and the canopies over the Pedestrian Way and the East and West Plazas have all been designed to create a consistent architectural aesthetic that works together.

At the public hearing on this case, the Zoning Commission suggested that the Applicant consider re-designing the south building in the North Block, to distinguish it from the glass buildings fronting on Massachusetts Avenue. The Applicant and its architect again evaluated the plan and reviewed several variations of alternative skin treatments for the south building. In the end, it was determined that a uniform skin treatment will result in the most appropriate relationship of the three buildings to themselves and their surrounding context, while at the same time making a powerful statement to define a new urban environment. This type of contemporary building has been very well received in the Washington DC office leasing marketplace, and offers the floor-to-ceiling light and views that potential office tenants seek when looking for new space. Furthermore, the PUD as a whole includes three separate blocks, and the Applicant anticipates that the design of these blocks will differ from one another; i.e., there will not be a single design signature for the overall scheme. As such, the Applicant believes that the design of the North Block has achieved its dual goals of being a well-designed and attractive development, while at the same time being responsive to the requirements of potential tenants of trophy-quality office buildings.

In order to reinforce the architectural interest of the design as well as the strong ground floor elements, the Applicant includes at Tab 3 plans, perspectives and renderings of the North Block. Within the overall master plan, the architects have placed the three buildings in such a way as to respect all street frontages, by building right up to the street wall on all four sides of the Block. The buildings have been designed to include subtle adjustments, both vertical and horizontal, which will produce strong sculptural forms and relate to the urban design of the area. These include notched and angular corners, feature elements in unique places, and canopies extending from the building at the second-floor level, which are evident on Plans 1 through 5 included at Tab 3. Details regarding the glass façade treatment of the North Block buildings are shown on Plan 6 included at Tab 3.

The West Plaza provides an entry to the project from 3rd Street. As seen on Plan 7, the West Plaza is flanked with retail, with opportunities for retail to spill out into the open space, and includes the eco-chimney (which is further described below). The dramatic East Plaza is the larger of the two plazas and is shown on Plan 8. It is flanked by retail -- including the signature retail space with 24-foot high ceilings -- and includes opportunities for outdoor dining, kiosks and carts, farmers' markets, and other social activities that will take place in the adjacent G Street Garden. The East and West Plazas are connected with a 30-foot wide east-west Pedestrian Way which has been laid out to be parallel to the line of Massachusetts Avenue. As requested by the Commission, additional details regarding the design and construction of the glass-covered areas of the Pedestrian Way and the east-west Pedestrian Way are shown on Plans 9 and 14 included at Tab 3.

From Massachusetts Avenue, a pedestrian will enter the project through an entrance flanked by two-story retail spaces and marked by an impressive canopy into an open-air, 60-foot wide Pedestrian Way which leads past the office lobbies, as shown on Plans 10 and 11. As one continues south along the Pedestrian Way, one will enter the covered portion of the Pedestrian Way, which continues at 60 feet wide until it reaches the G Street Garden. Toward the south end of the Pedestrian Way, a seasonally-rotating sculpture or decorative visual attraction will draw the pedestrian toward the G Street Garden. The Pedestrian Way is lined with retail and includes landscaping, seating and opportunities for outdoor shopping and dining. This north-south Pedestrian Way connects with the east-west Pedestrian Way, providing a central node to the retail area and the option to continue one's journey in any of three directions. Renderings of this experience and a detailed section of the north-south Pedestrian Way are included as Plans 12 through 14 at Tab 3.

The overall project will include a minimum of 75,000 square feet of retail use, with approximately 34,000 square feet located in the North Block. The architectural design of the retail storefronts is proposed to be flexible so that it is capable of responding to the needs of the retailers and allows the retailers to create their own identity. Images showing a range of options for retail storefront designs are shown in Plans 15 and 16 included at Tab 3.

In summary, the design of the North Block will create a new standard for this area. This elegant design, combined with the pedestrian connections on the ground level and important public spaces, will ultimately create an urban environment that will thrive, and constitute a valuable long-term benefit to the city and its residents.

Retail Strategy and Retail Commitments

As requested by the Zoning Commission and Office of Planning, a detailed retail strategy is set forth in the letter from John Asadoorian, the Applicant's retail consultant, attached as Tab 4 ("Retail Strategy Report"). The Retail Strategy Report provides further clarification as to the targeted uses for the retail proposed for the project and explains how this retail will be successful in the future. As noted therein, the retail proposed for the project focuses on serving the project and the immediate environs with a variety of food and service uses while also drawing patrons from a broader area with the placement of notable food or food-related uses.

As part of the Consolidated PUD, the Applicant commits to a minimum of 75,000 square feet of gross floor area devoted to retail use. The Project Retail Diagram is attached as Tab 5, and it specifically identifies the location of the retail space comprising this minimum commitment. These commitments were previously shown on Sheet 5.1 of the Updated Consolidated PUD Plans in the record at Exhibit 31. The Project Retail Diagram also identifies additional areas for "Office/Retail" use. These areas are not included within the minimum commitment of 75,000 square and provide opportunities for additional retail space if it is needed by specific retailers or in the future for expansion of the retail uses.

In addition, the Commission requested clarification as to the Applicant's commitment regarding the proposed ceiling heights for the retail space. The Retail Strategy Report notes that

retailers look for a variety of different ceiling heights but that the minimum height that a retailer requires is generally 9 feet. For this project, the Applicant proposes a range of ceiling heights. In the North Block, the minimum retail ceiling height for committed retail space is 13 feet, 3 inches, ranging up to 24 feet in key locations. The Applicant also commits to a minimum ceiling height of 14 feet in the residential building in the Center Block fronting G Street to maintain consistent ceiling heights along G Street. The proposed minimum ceiling heights for retail spaces in the North Block are shown on the Retail Ceiling Height Commitment Plan included with Tab 5.

Measurement of Height

The Zoning Commission requested clarification as to how 3rd Street can be used to determine height and how 130 feet is achieved for the project. This section summarizes the measuring points and the basis for height for each of the three blocks.

The PUD is proposed to be developed under the C-4 District. As set forth in §770.4 of the Zoning Regulations: "In the C-4 District, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines."

The PUD proposes that each of the three blocks will be developed as a single building. The separate portions of each building will be connected at or above the level of the main floor. The North Block is part of the project for which consolidated approval is requested. The North Block will be comprised of a building in three parts devoted to office and retail use. The plans for that block clearly show that a solid glass and steel roof will cover a portion of the Pedestrian Way, the center plaza and the walkway connecting the east and west plazas (See Sheets 5.1 and 5.9, among others, of the Updated Consolidated PUD Plans, November 15, 2010, marked as Exhibit 31 of the Record). Entrances to the three portions of the building are directly accessed under that cover, clearly meeting the requirement of the Regulations for the North Block to be considered a single building.

The North Block is bounded by Massachusetts Avenue (160 feet wide), 2nd Street (90 feet wide), G Street (90 feet wide) and 3rd Street (110 feet wide). Under the Regulations, the building is therefore eligible to be 130 feet in height based on its frontage on Massachusetts Avenue and 3rd Street.

The Center Block is proposed to contain an apartment house with ground floor retail, an office component with ground floor retail and facilities for the Holy Rosary Church. All of these components will be connected internally at or above the level of the main floor. Sheets 2.3a and 2.3b of the Updated First-Stage PUD Plans, November 15, 2010, marked as Exhibit 32 of the Record, show the general way in which the building will be connected to have frontage on 3rd Street. The Archdiocese of Washington has an agreement with the Applicant that it will permit the connection through its building sufficient to make the development of the Center Block be considered a single building. The detailed plans for the Center Block have not yet been prepared but those plans will be presented to the Commission for second-stage PUD approval and will show how the connections are to be made.

The Center Block is bounded by 2nd Street (90 feet wide), G Street (90 feet wide), 3rd Street (110 feet wide) and F Street (100 feet wide). Under the Regulations, the building is therefore eligible to be 130 feet in height based on its frontage on 3rd Street.

The South Block is proposed to contain an office component with ground floor retail, the relocated Adas Israel Synagogue and additional facilities for the Jewish Historical Society. All of these components will be connected internally at or above the level of the main floor. Sheets 2.3a and 2.3b of the Updated First-Stage PUD Plans, November 15, 2010, marked as Exhibit 32 of the Record, show the general way in which the building will be connected to have frontage on 3rd Street. The Jewish Historical Society has an agreement with the Applicant that it will permit the connection through its building sufficient to make the development of the South Block be considered a single building. The detailed plans for the South Block have not yet been prepared but those plans will be presented to the Commission for second-stage PUD approval and will show how the connections are to be made.

The South Block is bounded by 2nd Street (90 feet wide), F Street (100 feet wide), 3rd Street (110 feet wide) and E Street (90 feet wide). Under the Regulations, the building is therefore eligible to be 130 feet in height based on its frontage on 3rd Street.

The statement, dated December 6, 2010, of Monte Edwards on behalf of the Committee of 100 on the Federal City asserts that by approving this application as proposed, the Commission will somehow be setting some kind of undesirable precedent whereby a future applicant in another project will be allowed to measure from a bridge or platform that would be substantially higher than natural grade. Sheet 2.1 of the Updated First-Stage PUD Plans, November 15, 2010, marked as Exhibit 32 of the Record, show that the North Block building will be measured from the level of the curb on 3rd Street, at elevation 43. The Center and South Blocks buildings will be measured from the level of the curb on F Street, at elevation 40.5.

The grades along F Street represent a continuation of the grades that exist to the east of 2nd Street and the west of 3rd Street. There are slight variations in the street grades all around the Site to deal with drainage. The measuring point on F Street at elevation 40.5 is lower than the point on 3rd Street used for the North Block at elevation 43. There is no undermining of the intent of the Regulations and no precedent established that would allow manipulation of the grade to achieve a great height than would otherwise naturally be the case.

There are two different sections of the Act of 1910 which address the permitted height of a building and where that height is measured. D.C. Official Code, § 6-601.05(a) provides that:

"No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue or highway in its front, increased by 20 feet; but where a building or proposed building confronts a public space or reservation formed at the intersection of 2 or more streets, avenues, or highways ... the limit of height of the building shall be determined from the width of the widest street, avenue or highway."

D.C. Official Code, § 6-601.07 provides that:

"For the purposes of this subchapter, the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than 1 front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that permits of the greater height."

It is well established in the District (both in PUD projects and buildings constructed as a matter-of-right) that these two provisions allow a building that fronts on two or more streets to use the width of one street to determine the maximum permitted height of a building and to actually measure the height from another street. Thus, the proposed measurement of height for the project is in compliance with both the Zoning Regulations and the Act of 1910.

Proximity of Residential and Office Buildings in Center Block

The Zoning Commission requested that the Applicant provide examples of other successful developments in the city in which the distance between a residential building and an office building was comparable to that proposed for the Center Block of this project, which is 30 feet. The Applicant submits photographs of examples for a variety of developments generally within the Downtown area, attached hereto as Tab 6. These examples include the following:

- The residential building at 425 Massachusetts Avenue, NW is separated by approximately 20 feet from the office building at 455 Massachusetts Avenue, NW.
- The residential building at 1150 K Street, NW is separated by approximately 15 feet from the office building at 1101 New York Avenue, NW.
- The residential building at 915 E Street, NW is separated by approximately 15 feet from the office building at 999 E Street, NW.
- The hotel building at 900 F Street, NW is separated by approximately 12 feet from the office building at 912 F Street, NW.
- The residential building at 616 E Street, NW is separated by approximately 15 feet from the office building at 600 E Street, NW.
- The residential building at 532 20th Street, NW is separated by approximately 20 feet from the office building at 1730 E Street, NW.

The Applicant believes that the proposed separation of 30 feet between the residential and office building is more than sufficient for adequate light and air and is in fact greater than all of the examples provided above. In addition, the residential building is only proximate to the office building for approximately 67% of the south façade. The remaining portion of the south façade of the residential building abuts the one story open courtyard, with views through towards the south.

The north façade has generous views across the G Street Garden to the north. The east façade abuts 2nd Street while the west façade is set back approximately 33 feet from the federal building abutting 3rd Street.

Parking and Loading for Project

The Zoning Commission requested that the Applicant provide additional information with respect to the required number of parking spaces. As noted in the application and at the hearing on this case, the project proposes the minimum number of parking spaces required by Section 2101.1 of the Zoning Regulations. The Commission requested clarification as to whether the minimum requirements for parking are modified in any way by Section 2104 of the Zoning Regulations, which provides that the number of parking spaces required for a nonresidential building or structure shall be seventy-five percent of the amount otherwise ordinarily required by Section 2101.1 of the Zoning Regulations if the building is located within 800 feet of a Metrorail Station entrance and meets other stated requirements. According to information from Wells & Associates, portions of the South Block are within 800 feet of the Judiciary Square Metrorail Station entrances. Specifically, the office building in the South Block is located within approximately 580 feet of the Judiciary Square Metrorail entrance on 4th Street. The Jewish Historical Society buildings in the South Block are located within approximately 665 feet of the Judiciary Square Metrorail entrance on 4th Street and within approximately 720 feet of the Judiciary Square Metrorail entrance on E Street.

While technically the South Block is entitled to a twenty-five percent reduction in the parking requirement, the remainder of the project is not within 800 feet and is not entitled to such reduction. Based on the Applicant's experience and the opinion of the traffic consultant, providing parking to meet the zoning requirements set forth in Section 2101.1 is the minimum needed to successfully market the office building and meet tenant parking demands. Thus, the Applicant requests that the Commission approve parking for the project at the levels requested without any reduction for proximity to a Metrorail station entrance.

The Zoning Commission also requested information as to the acceptability of shared use of the 55-foot loading berth by the retail and residential uses. For this project, the Applicant proposes to provide one 55-foot loading berth with a 200 square foot platform instead of the two required by the Zoning Regulations. The Applicant also proposes to provide two times the number of required 30-foot loading berths (eight instead of the four required). Due to the number of 30-foot loading berths provided, the residential and retail uses will share the 55-foot loading berth as needed. Based on the number of residential units proposed on-site, the anticipated demand for the 55-foot loading berth is very low, especially given the proposed "move-in/move-out" policies that would be in place for the residential building. In addition, the development will have a loading dock manager who will supervise and coordinate use of the docks in an efficient manner to ensure no conflicts between the retail and residential needs for use of the larger berth. The acceptability for the reduction in the 55-foot loading berth is discussed in Wells & Associates' Transportation Impact Analysis, which concludes that the provision of one 55-foot loading berth would adequately serve the demands of the project. Accordingly, the Applicant believes that the shared use of such berth is acceptable.

Additional Information Regarding Specified Amenities

The Applicant set forth in detail the updated public benefits and project amenities offered in connection with the PUD in its Supplemental Prehearing Submission in the record at Exhibit 30. As noted therein, the most significant amenity associated with the project is the construction of the platform, which will create three new city blocks over what is now an active highway and will re-knit the East End of downtown Washington with Capitol Hill. The Zoning Commission requested clarification regarding a few of the other amenities, and such clarification is provided below.

Environmental Benefits: Additional Information regarding the Eco-Chimney

The Applicant proposes cutting-edge sustainable design for this project that will set a new standard for urban infill and air rights development projects. In fact, given the unique aspects of this project, the Applicant is working with the US Green Building Council (USGBC) to specifically develop a program for these types of developments, with a focus on improving existing air and water quality issues at the Site. The sustainable design elements will contribute to the project achieving a USGBC LEED Platinum standard for the core and shell of the office buildings and LEED Gold for the residential building and will include, among many others not listed, the following features:

- Water collection and re-use system, such that all rainwater and ground water entering the site will be captured, processed and re-used throughout the buildings on site. It would also be possible to accommodate storm water run-off from adjacent sites.
- The development of an electrical co-generation plant that will have the ability to service not only this development, but also approximately 5-8 million square feet of nearby, existing development.
- Eco-chimneys to provide for air filtration from the below-grade parking garage and service corridor.
- Green roofs on every building in the development to reduce the heat island affect and mitigate storm water run-off.

The Zoning Commission asked the Applicant to provide additional information regarding the eco-chimneys. Eco-chimneys are state of the art environmental features that are designed as modular glass panel enclosures surrounding a metal support structure. Internal to the metal support structure is vertical "living wall" system of plant medium (also known as active phytoremediation wall). The plant system is supported by a series of vacuum formed plastic and metal mesh screens that allow air movement to pass through the roots and leaf areas. Garage exhaust air moves through the perforated air intake ducts directly over the root system, allowing the rhizomes of the roots to essentially digest the airborne toxins, volatile organic compounds (VOC's), and other biological and chemical pollutants. The cleansed air is then ducted out of the top of the eco-chimney and is reintroduced into the environment.

The exterior appearance of the eco-chimney will look somewhat like a greenhouse, or a contemporary glass structure with a plant wall inside. The eco-chimney proposed for the west plaza in the North Block will rise to a height of approximately 30 feet above the ground level, so that the exhaust air will be released well above the level of the plaza and entry to the Pedestrian Way.

Given that this technology is so new and has not yet been incorporated in any development in the United States, there are no existing examples of this system that can be photographed. Plans and sections depicting the eco-chimney as well as information relating to how the eco-chimney works are attached at Tab 7. Also included at Tab 7 is an article from Architect magazine on the similar active phytoremediation wall currently been developed for the PSAC II project in New York City as well as photographs of vegetated walls. While not exactly the same, there are similarities in the process and plant materials and these can provide some guidance. Finally, perspective views of the west plaza with the eco-chimney included are attached at Tab 8.

Creation of Open Spaces: Contribution to Casey Trees

The Applicant has proffered a \$50,000 contribution to Casey Trees to improve the existing park at 2nd and H Streets and Massachusetts Avenue, located immediately to the north of the Site. In order to ensure that the improvements to this open space are completed in a timely fashion, the Applicant has agreed to make this contribution prior to the issuance of a building permit for the construction of the base infrastructure and has already begun working with interested parties to focus on the types of improvements that should be made.

The Zoning Commission requested that information be provided as to the current condition of the park and that greater specificity be provided as to what types of improvements the contribution will fund. First, attached at Tab 9, the Applicant has included photographs of the existing conditions of the park, with each photograph labeled as to the view. Second, attached at Tab 10, the Applicant includes a letter from Mark Buscaino, the Executive Director of Casey Trees. This letter indicates that a master plan will be created for the park by landscape designers on the Casey Trees' staff in consultation with the Mount Vernon Square Neighborhood Association and the DC Department of Parks and Recreation. The first phase of the improvements under this plan will likely include sidewalks, permeable pavers, benches and additional plantings. The letters states that the anticipated design and project management fees as well as the first phase of anticipated improvements can be accomplished in significant part by the proposed contribution.

First Source Employment Opportunities and Certified Business Enterprises: Track Record

The Zoning Commission requested that the Applicant provide information as to its track record in complying with agreements similar to the First Source Employment Agreement and Certified Business Enterprise Utilization and Participation Agreement with which the Applicant has proposed to comply for this project. Specifically, the Applicant has entered into a First Source Employment Agreement under which the Applicant will fill 51% of all new jobs resulting from the construction of the project with District residents, and will fill 67% of all new apprenticeship positions with District residents. In addition, Certified Business Enterprises will represent twenty

percent of the developer's equity and development participation in the project, and the Applicant will contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project. A letter from the Applicant describing past participation in these programs is attached at Tab 11.

General Flexibility for PUD

As is the case for most PUD applications, the Applicant has made every effort to provide a level of detail that conveys the architectural significance of the project and that does not require flexibility from the requirements of the Zoning Regulations. Nonetheless, given that the plans for the project have not yet reached construction level drawings and that the NEPA review is still in process, the Applicant must request some flexibility to address potential issues that could arise during construction and other issues that cannot be anticipated at this time. The Commission requested that the Applicant revise its requested flexibility to make it as narrow as possible. Accordingly, the Applicant proposes the following requested flexibility with changes shown underlined:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building; and
2. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total number of parking spaces provided meets the minimum number of spaces required by the PUD approval; and
3. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials; and
4. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the project to comply with the requirements of and the approval by the District Department of Transportation Public Space Division, including but not limited to the street, sidewalk and roadway widths within the rights-of-way proposed; and
5. To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the project and to locate retail or service uses where "retail" is identified and to locate retail, service or office uses where "retail/office" is identified; and
6. To vary components of the project to coordinate or comply with modifications to the I-395 ramp systems resulting from the Environmental Assessment required by the National Environmental Policy Act, including but not limited to modifications to ramp systems and freeway configuration, so long as such changes do not change

the exterior configuration of the buildings or modify the site plan for the Overall Project; and

7. To make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.

Summary of Attachments

The following documents are attached and incorporated as part of this Post-Hearing Submission:

<u>Tab 1</u>	E Street Sidewalk Plan
<u>Tab 2</u>	South Block Massing Revision Plans
<u>Tab 3</u>	Plans, Perspectives and Renderings for North Block
<u>Tab 4</u>	Retail Strategy Report from John Asadoordian
<u>Tab 5</u>	Project Retail Strategy Plan and Retail Ceiling Height Commitment Plan
<u>Tab 6</u>	Photographs of Residential/Office Adjacency
<u>Tab 7</u>	Information regarding Eco-Chimneys
<u>Tab 8</u>	Perspective Views of the West Plaza with the Eco-Chimney
<u>Tab 9</u>	Photographs of Existing Conditions of Park Amenity Site
<u>Tab 10</u>	Letter from Casey Trees regarding \$50,000 Contribution
<u>Tab 11</u>	Summary of Track Record for First Source and CBE

We look forward to the Commission's consideration of this application for proposed action at the Zoning Commission public meeting scheduled for January 24, 2010. The Applicant requests that if the Zoning Commission approves the application as modified by this Post-Hearing Submission, the Commission leave the record open for the Applicant to submit a full set of conforming Final First-Stage PUD Plans and a full set of conforming Final Consolidated PUD Plans that show the changes proposed herein throughout the plan books. These conforming plans will provide a clear record of the approved project as the case moves forward and as future Second-Stage PUD application are filed.

Should the Commission have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Sincerely,

HOLLAND & KNIGHT LLP



Christine Moseley Shiker

Enclosures

cc: Advisory Neighborhood Commission 6C	(Via Hand Delivery; w/enc)
Rob Amos, ANC 6C PZE Chairman	(Via Hand Delivery; w/enc)
Jennifer Steingasser, Office of Planning	(Via Hand Delivery; w/enc)
Joel Lawson, Office of Planning	(Via Hand Delivery; w/enc)
Maxine Brown Roberts, Office of Planning	(Via Hand Delivery; w/enc)
Paul Goldstein, Office of Planning	(Via Hand Delivery; w/enc)
Karina Ricks, DDOT	(Via Hand Delivery; w/enc)
Matt Troy, IV, Office of the DMPED	(Via Hand Delivery; w/enc)
Councilmember Tommy Wells	(Via Hand Delivery; w/enc)
Laura Cohen Apelbaum, Jewish Historical Society	(Via US Mail; w/enc)
Edward Rogers/Ellen McCarthy, Arent Fox	(Via US Mail; w/enc)
Rev. Lydio F. Tomasi, c.s., Ph.D	(Via US Mail; w/enc)
Richard Graves, Archdiocese of Washington	(Via US Mail; w/enc)
Cynthia A. Giordano, Saul Ewing	(Via US Mail; w/enc)
Wallace J. Mlyniec, Georgetown Univ Law Center	(Via US Mail; w/enc)
Maureen E. Dwyer, Goulston & Storrs	(Via US Mail; w/enc)
Christopher J. Fraccaro, General Services Administration	(Via US Mail; w/enc)
Wayne S. Quin, Esq.	(w/enc)