

June 19, 2018

Via IZIS

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: **Zoning Commission Case No. 03-12V/03-13V: Modification of Consequence of the Approved Planned Unit Development (“PUD”) and Zoning Map Amendment for the Property Located at 250 M Street SE (Square 769, Lot 824 and Part of Lot 825) (“Property”) – Response to ANC 6D and OP Reports**

Dear Chairperson Hood:

Square 769, LLC (the “Applicant”), hereby responds to three issues noted in the reports of Advisory Neighborhood Commission (“ANC”) 6D and the Office of Planning (“OP”) which have been filed in the record in this case.

ANC 6D Letter in Support of the Modification of Consequence Application

By letter dated June 12, 2018 (Exhibit 4), ANC 6D noted its support for this modification of consequence application. In that letter ANC 6D noted, “The ANC also expects the Applicant to take all necessary action to prevent any loading or deliveries before 7AM that might be disruptive to adjacent residents and would like to see this commitment included in the Applicant’s submission as well.” In response to this request, the Applicant proposes to include the following new condition of approval regarding loading activity for the project:

All loading activity will be accessed from the shared private alley. The Applicant shall prevent cars and trucks from parking in the shared private alley and will prohibit any loading or deliveries before 7AM.

OP Report

By report dated June 18, 2018 (Exhibit 5), OP noted its support for this modification of consequence application and requested additional information regarding two items: (1) specific language for the proposed revisions to relevant conditions of approval; and (2) further discussion of the design and use requirements applicable to the Property.

Revisions to Conditions of Approval

OP requested that the proposed changes to the conditions of approval be identified by the Applicant. The Applicant proposes the following modifications to the conditions of Order 03-12F, which was attached as Exhibit B to the Applicant's initial submission (deletions noted by ~~strikethrough~~, additions in **bold underline**):

2. The PUD shall be developed in accordance with the plans prepared by Hickok Cole Architects, submitted May 8, 2008, marked as Exhibit 21, as amended by the plans submitted on May 28, 2008, marked as Exhibit 27 **of the record of Case 03-12F/03-13F, as amended by the plans submitted on June 8, 2018, marked as Exhibit 1C of the record of Case No. 03-12V/03-13V.**

3. The building may have a maximum height of ~~130~~ **110** feet, not including roof structures.

4. The building may have a maximum gross floor area of ~~234,182~~ **189,000** square feet

8. Square 769, LLC shall also have flexibility with the design of the PUD in the following areas:

a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

b. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below 28 points;

~~c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, provided the number of striped parking spaces is not reduced below 150 spaces~~ **To provide a range in the number of vehicular parking spaces plus or minus 10%;** and

d. 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 the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, or that are otherwise necessary to obtain a final building permit.

11. For the life of the Project, the Applicant will allow ANC 6D to utilize the ground floor conference room/training center for public meetings or programs, subject to the approval of an annual schedule by the District for so long as the

conference room/training center constitutes a portion of the premises leased by the District. No costs will be associated with such use unless due to negligence or willful misconduct.

12. All loading activity will be accessed from the shared private alley. The Applicant shall prevent cars and trucks from parking in the shared private alley and will prohibit any loading or deliveries before 7AM.

13. The use of the ground floor training and conference room shall be consistent with uses described on page 4 of Exhibit 1 of Case No. 03-12V/03-13V. The exterior appearance of the ground floor training and conference room shall be similar to the materials included in pages 17-18 of Exhibit 1C of the record of Case No. 03-12V/03-13V.

Ground Floor Uses and Design; Applicable Zoning Requirements

The Applicant does not believe that any additional areas of relief are necessary from the Zoning Regulations in order for the Zoning Commission to approve this Modification of Consequence application. Because the proposed modifications to the approved plans revise the ground floor, the ground floor design and uses of the building are subject to the ZR16 Regulations. As noted in our initial submission, the ZR16 Regulations do not have ground floor use and design requirements for properties that are located in the Capitol Gateway (CG) Zone Districts **and** are located on the north side of M Street, SE. Therefore, there are no specific requirements in the ZR16 Regulations regarding the ground floor design and uses for this building. However, the Applicant fully recognizes the importance of maintaining a vibrant and active streetscape along M Street, SE and has accordingly proposed a design and set of uses which are consistent with the Zoning Commission's previous approval of this project.

When the project was initially approved, the Capital Gateway ("CG") Overlay included requirements that 50% of the street walls of the building be devoted to display windows and at least 35% of the ground floor be devoted to retail uses. While these requirements are no longer applicable to this project, the Applicant has created a revised project in which 32% of the ground floor space is available for general retail use, not including the proposed DDOT commuter store space. Moreover, the retail space is now focused along 2nd Street, with frontage along Canal Park, which is more likely to provide opportunities for successful retail operators. The architectural treatment of the ground floor provides for an appropriate amount of glass and display windows to further animate the street level experience. The Applicant believes that this re-location and re-allocation of the ground floor uses of the project upholds the intent and purpose of the Zoning Commission's original approval of the PUD project.

Finally, the OP report also asked the Applicant to address whether the design requirements related to the M and South Capitol Street sub-area of Subtitle I are applicable to the Property. The Applicant notes that the requirements of Subtitle I are applicable to properties that are located in the Downtown (D) Zone Districts. Specifically, § 616.2 and Figure I § 616

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identify the properties and Squares that are subject to the M and South Capitol Street sub-area requirements. Square 769, which is located in the CG-3 Zone, is not listed in § 616.2, and is not shown on Figure I § 616, is therefore not subject to the requirements of §§ 601, 602, or 616.

Conclusion

The Applicant looks forward to the Zoning Commission initially reviewing this case at the June 25, 2018 Public Meeting, and then rendering a decision on this case at one its public meetings in July, 2018. Please feel free to contact the undersigned if you have any questions or comments regarding this consent calendar modification application.

Respectfully Submitted,



Paul Tummonds



Meghan Hottel-Cox

Certificate of Service

I hereby certify that I sent the foregoing document to the addresses below on June 19, 2018, by first class mail and hand delivery.

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Meghan Hottel-Cox