

Exhibit B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



Building and Land Regulation Administration
Office of the Administrator

May 16, 2002

Elizabeth B. Elliott
Chair
Advisory Neighborhood Commission 2A
725 24th Street NW
Washington DC 20037

Ref: 924 25th Street NW

Dear Chairman Elliott:

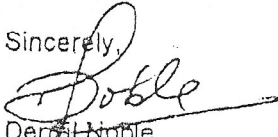
Your May 16, 2002 letter to David Clark, Director, Department of Consumer and Regulatory Affairs (DCRA), regarding an application for a Public Space rental for a sidewalk café at the referenced address has been referred to me for response.

The referenced address is zoned R-5. 11DCMR, Chapter 3, 351.2 (c) states that as a condition for commercial adjuncts as accessory uses to a hotel in an R-5 district that contains 100 or more rooms or suites, "No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk...". Further, pursuant to 350.4 (d), in a hotel that was in existence as of May 16, 1980, "...commercial adjuncts may not be increased". Therefore, a sidewalk café is prohibited at 924 25th Street NW unless the Board of Zoning Adjustment approves an exception.

I have alerted staff of the Public Space Committee regarding this issue. Please note that while DCRA is a member of the Public Space Committee, the committee is staffed and managed by the District Division of Transportation.

Thank you for bringing this matter to our attention. Do not hesitate to call me at 442-4560 if you have additional questions.

Sincerely,


Derald Noble
Acting Zoning Administrator

cc: David Clark
Theresa Lewis
Leila Franklin
J. Gregory Love
Toye Bello
Anthony Downing

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4455 Fax: (202) 442-4863

Board of Zoning Adjustment
District of Columbia
CASE NO 19923
EXHIBIT NO.4B