

January 23, 2006

Chairperson Carol J. Mitten and Members
D.C. Zoning Commission
One Judiciary Square, Suite 210 South
441 4th Street N.W.
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
JAN 23 PM 2:35

**RE: Supplement to the Post-Hearing Submissions Requested by the Zoning Commission,
ZC Case No. 05-36 (First Stage & Consolidated PUD
& Related Map Amendment-200 K Street N.E.)**

Dear Chairperson Mitten and Members:

It has been brought to our attention that three architectural drawings included in our Post-Hearing Submissions filed at the Office of Zoning on Friday, January 20th, may be misconstrued as showing the proposed “façade” of Phase 2. *We write now to clarify that these drawings are not intended in any way to suggest a “façade”.*

The drawings – Sheets A2.10, A2.11, and A2.12 in Attachment 3 of the Post-Hearing Submissions – were intended only to show that there are 14 stories – not 15 – within the 130-foot measurable height of the structure, as measured from the mid-point of 3rd Street which has an elevation of 51.63 feet, and the relationship of the Phase 2 structure to the Phase 1 structure. The 51.63-foot level is marked in the left-hand column on all three drawings. The ground level of the building is below the measuring point.

Shortly after filing the documents Friday afternoon, we provided a copy to Steve Cochran of the Office of Planning. Upon reviewing the drawings, Mr. Cochran perceived the drawings as depicting a “façade” proposal, and possibly also appearing to show that the 2nd Street pedestrian walkway entrance would not be open.

We did not anticipate that the drawings would be perceived as a “façade” proposal. Again, we want to make it clear that there is no intention to suggest a “façade” and that the pedestrian walkway entrance remains open as a prominent feature of the building, as stated on page 7 of the letter included in the January 20th Post-Hearing Submissions.

Applicants’ witnesses testified during the January 5th hearing, in response to questions from Commissioner Jefferies, that Phase 2 renderings, the 2nd Street design, and full elevations will be provided in the second-stage PUD submission, which will also address the 2nd Street entrance.¹

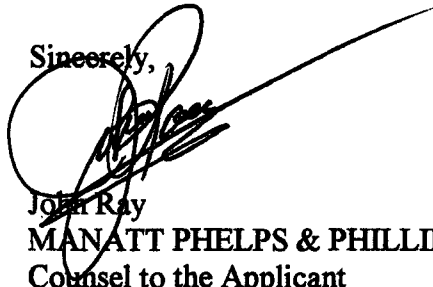
¹ Transcript, ZC hearing, January 5, 2006, at pp. 82-83.

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The Commission's request for the revised drawings filed January 20th came in the context of the discussion of the concerns of the Office of Planning ("OP") and Commission members about the residential floor-to-floor height provided in the Phase 2 building. Chairperson Mitten referred to an OP chart indicating that seven similar buildings had from 12 to 14 stories and said, "No one is at 15. So I'm a little concerned about that extra floor going in there and that we're getting into an area where the floor heights are too constrained."² Applicants' witnesses testified in response that the 130-foot height encompasses 14 floors, rather than 15, and Sheets A2.10, A2.11, A2.12 depict the floor heights accordingly. As explained in the January 20th submittal letter at page 7, the floor-to-ceiling height will be no less than 8 feet/6 inches, and in some cases more.

We hope this clarification is helpful to the Commission and appreciate your consideration in accepting this letter into the record.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ray", is written over the word "Sincerely," and extends across the name and title below.

John Ray
MANATT PHELPS & PHILLIPS
Counsel to the Applicant

² Transcript, ZC Hearing, January 5, 2006, at p. 68.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon the following in the manner shown below on January 23, 2006:

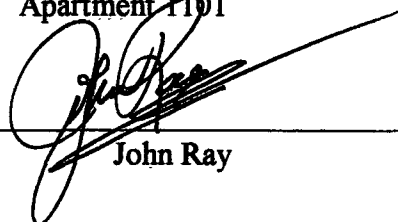
BY E-MAIL to:

Ellen McCarthy, Director
ATTN: Steve Cochran
steve.cochran@dc.gov
D.C. Office of Planning
801 North Capitol Street NE
Washington, D.C. 20002

-and-

BY HAND-DELIVERY to:

ANC 6C02 Commissioner Mark Dixon, Chairman Advisory Neighborhood Commission 6C	80 New York Avenue N.W., # 402
ANC 6C01 Commissioner Lawrence L. Thomas Golden Rule Apartments	901 New Jersey Avenue NW
ANC 6C03 Commissioner Lena A. Brown	8 Temple Court NW
ANC 6C04 Commissioner Daniel Pernell	1116 3 rd Street NE
ANC 6C05 Commissioner Anthony Rivera	817 4 th Street NE
ANC 6C06 Commissioner Mike Sherman	618 F Street NW # 2 -or to his work address- Sullivan & Worcester 1666 K Street NW
ANC 6C07 Commissioner William Sisolak	638 A Street NE
ANC 6C08 Commissioner Karen J. Wirt	234 E Street NE
ANC 6C09 Commissioner Charles A. Docter	801 Pennsylvania Avenue NW Apartment 1101


John Ray