

March 15, 2007

VIA HAND DELIVERY

Zoning Commission of the District of Columbia
One Judiciary Square, Suite 210-South
441 Fourth Street, N.W.
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2007 MAR 15 PM 4:11

Re: ZC Case 06-03 -- 100 M Street, S.E.: Supplemental Information Relating to March 2, 2007 Request for Minor Modification of Plans the Zoning Commission Previously Reviewed and Approved under Provisions of the Capitol Gateway Overlay

Honorable Members of the Commission:

This letter supplements our request of March 2 on the above-captioned request for minor modifications to a project previously reviewed and approved. This letter describes:

- Presentation of requested modifications to Advisory Neighborhood Commission 6-D (ANC 6-D) March 12, resulting in their support of the request.
- Meeting with Office of Planning March 14 to explain aspects of the requested changes (and inform them of the support secured from the ANC).

MARCH 12 MEETING WITH ANC 6-D

On March 12, ANC 6-D met at its regularly scheduled public meeting (at which a quorum was present) and voted 5-0-1 to support the applicant's modification requests.

MARCH 14 MEETING WITH OFFICE OF PLANNING

On March 14, representatives of the applicant met with the Office of Planning (Joel Lawson) to review and discuss the submission:

- Clarification of DC-DoT's expansion of the First Street roadway within the overall right of way and consequent reduction of space available for sidewalk cafés or other similar uses.
- Footprint of penthouse and screen walls on rooftop for ventilation equipment
- Transition between resulting external grades to plane of western retail area along both First and M Streets, S.E., identifying in the process a technical conflict with "clear height" requirements.

ZONING COMMISSION
District of Columbia

CASE NO. 06-03

EXHIBIT NO. 2

ZONING COMMISSION
District of Columbia
CASE NO.06-03A
EXHIBIT NO.2

- Number and location of entrance doors to western retail area along First Street, S.E.

Elimination of “Public Parking” and Concurrent Creation of “Parking” along First Street

In our March 2 letter, the first request’s narrative described changes that the District of Columbia Department of Transportation (DC-DoT) is making to First Street, S.E. adjacent to the site. The explanation noted both elimination of “public parking” and creation of parking areas along the roadway. We advised Mr. Lawson that the first of these expressions is an old expression (dating from the era of “Boss Shepherd” more than a century ago) that is still used in the District of Columbia Municipal Regulations relating to public space (24 DCMR 102.8). Basically, where it exists, the “public parking” is that area of public space in the overall right of way between the edge of the sidewalk closest to the property line and the property line itself. The District allows owners to improve “public parking” abutting their land with landscaping and, not incidentally, requires the abutting owner to maintain the area at no expense to the District. In some commercial areas, this area is used for outdoor eating areas adjacent to restaurants. In any event, at the project site, DC-DoT is eliminating all of the current “public parking” to widen the roadway and add a parking lane for vehicles.

Footprint of Penthouse and Screen Walls on Rooftop

The plans presented May 25, 2006 showed the overall outline of the mechanical penthouse and the area then proposed to be open at the top but screened in which air conditioning equipment would be located. The revised plans show the same thing, with slight shifts in the outer limits but an overall reduction of total area. However, the original plan’s eastern elevation drawing appears to have only depicted the nearest portion of the mechanical penthouse and none of the screen wall. For that reason, the materials you received show how the original plans should have shown that which, compared to the slightly shifted revised plans, shows no significant change in overall massing. No zoning relief is requested for the location, height or set back of the walls of the roof structure.

Transition between Resulting External Grades to Plane of Western Retail Area along both First and M

The changes DC-DoT is making to First Street preclude any outdoor seating area and result in a higher grade at the western face of the building, varying from 21 inches (closest to M Street) to 43 inches (closest to the entrance to the garage) above the plane of the western retail area. Applicant plans to establish landings and steps inside the entrance doors along with features that can provide accessibility for persons with mobility limitations so they can reach the level of the retail area. Likewise, applicant will provide a similar arrangement at the M Street entrance of the western retail area to span the 13 inch difference there.

However, the discussion with the Office of Planning suggested that the area of such landings, steps, and means to provide adequate accessibility under the Americans with Disabilities Act would result in a reduction in the “clear height, floor to ceiling” immediately above these features as that term was defined since it does not currently provide any exceptions.

Therefore, the applicant requests the Zoning Commission to approve this additional aspect of the applicant’s proposal along with the other modifications requested in the letter of March 2, 2007.

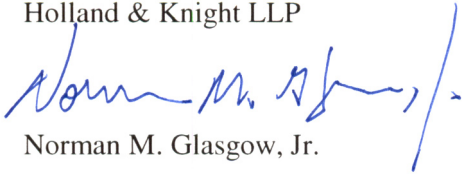
Number and Location of Entrance Doors to Western Retail area along First Street, S.E.

We request flexibility to establish either one or two retail areas within the western retail area from First Street, S.E. Kindly note that while our original plan diagram for the ground floor depicted two entrances from that side, the elevation drawing submitted at that time showed only one. At this juncture, applicant


cannot specify whether the area will be leased to one or two entities and asks for flexibility to establish one or two doorways, as circumstances dictate, along the First Street frontage.

Thank you.

Holland & Knight LLP

A handwritten signature in blue ink, appearing to read "Norman M. Glasgow, Jr.", with a stylized flourish at the end.

Norman M. Glasgow, Jr.

A handwritten signature in blue ink, appearing to read "Lindsley Williams", with a long horizontal flourish extending to the right.

Lindsley Williams
Land Use, Planning and Zoning Consultant

cc: Advisory Neighborhood Commission 6-D (By Courier to the ANC Office)
Office of Planning (By Email and Courier)

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