

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR



September 4, 2008

Mr. Steven E. Sher  
Director of Zoning and Land Use Services  
Holland & Knight LLP  
Suite 100  
2099 Pennsylvania Avenue, NW  
Washington DC 20006

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D.C. OFFICE OF ZONING  
2008 SEP 10 AM 11:27  
ZONING COMMISSION  
District of Columbia  
CASE NO. 06-14  
EXHIBIT NO. 50

Re: Washington Gateway PUD  
New York and Florida Avenues, N.E.

Dear Mr. Sher:

This is to confirm the substance of our discussion on Monday, August 7, 2008, with Jonathan Lischke of MidAtlantic Realty Partners and Byong Yun of SKI architects, concerning the above referenced property. The property is known as lots 23, 811, 812 and 813 in Square 3584 and is located at the intersection of New York and Florida Avenues, N.E.

The property is zoned C-3-C and was the subject of a planned unit development (PUD) application to the Zoning Commission. By Order No. 06-14, dated February 12, 2007, and effective June 29, 2007, the Commission approved the PUD. The project consists of two buildings on a single lot. The east building is an office building with two wings and a connecting wing. The west building is a hotel and apartment house.

You have discussed this project with me on prior occasions, and I have issued two previous confirmation letters on questions you raised. The first letter, dated January 23, 2008, related to your proposal to reorient the stair connecting the Metropolitan Branch bike trail atrium to the plaza level and to reduce the height and increase the width of the connecting wing between the two office wings. I determined that those changes were minor in the scheme of the overall PUD and are refinements to the plans which typically occur when the schematic level plans of a PUD are translated into construction documents. The second letter, dated June 11, 2008, confirmed that the manner in which you proposed to proceed with the area, type and distribution of affordable housing units was consistent with Condition No. 3 of the PUD Order.

You have now proposed that certain changes be made in the building to be devoted to the hotel and apartment house. You presented plans, dated August 7, 2008, sheets 502, 504, 505,

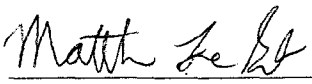
506 and 521, which show that the gross floor area of the apartment house would increase by 3,443 square feet and that the gross floor area of the hotel would increase by 3,528.4 square feet. The total increase in GFA would be 6,971.4 square feet. This increase amounts to 1.99 percent of the gross floor area in this building.

You indicated that this increase results from minor design refinements, again occurring when the specific building program is put into the schematic floor plans approved by the Commission. You indicated that part of the increase is driven by the requirements of the hotel operator, which at this point is proposed to be a Marriott Residence Inn. The footprint of the building changes slightly as shown on the above-referenced plans.

The number of hotel and apartment units would fall within the range described in Finding of Fact #15 of the order. Parking would continue to be provided to meet the minimum rates specified in Condition No. 4. Neither of the other changes which I approved in the two prior rulings resulted in an increase in gross floor area, so the total change in the gross floor area of the hotel/apartment house building would be less than 2%.

Pursuant to the flexibility granted by §2409.6(a), I find that the increase in gross floor area is within the limits specified and that the design changes which cause that increase in GFA are minor in the overall scheme. I further determine that the proposed modification is consistent with the intent of the Zoning Commission in approving the PUD, in that it increases the floor area of the two uses which are the favored parts of the use mix, hotel and residential. By copy of this letter to Sharon Schellin, I am submitting this determination as the report to the Commission required by §2409.8 of the Regulations.

Accordingly, when you file the plans for a building permit, I will approve drawings if they are consistent with the calculations and plans noted above. Please let me know if you have any further questions.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

✓cc: Sharon Schellin, Secretary to the Zoning Commission