



HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

RICHARD L. AGUGLIA
DIRECT DIAL: 202-955-1634
EMAIL: raguglia@hunton.com

FILE NO: 75566.000002

March 31, 2008

By Hand Delivery

Zoning Commission for the District of Columbia
Room 220 South
441 - 4th Street, NW
Washington, DC 20002

RECEIVED

D.C. OFFICE OF ZONING

2008 MAR 31 PM 1:10

Re: ZC Case No. 07-21 (Per Star M Street Partners LLC
and 2213 M Street LP - Consolidated PUD at Square 50)

Dear Commission Members:

On March 24, 2008, the applicant and R.S. Sandi Holdings, LLC ("Sandi Holdings" or "Sandi") filed their respective responses to the Commission's request for further information as a result of the PUD application hearing on February 21, 2008 in this case. Sandi Holdings was granted status as a party in opposition to the application, as it related to the lack of a roof structure setback on the western wall of the proposed PUD hotel, which is immediately adjacent to Sandi Holdings' office building at 2215 M Street, NW. This letter is in reply to the applicant's submission of March 24, 2008, and is in accord with the Commission's request for such replies to be filed on or before March 31, 2008.

BRIEF SUMMARY OF BOTH INITIAL RESPONSES

Sandi Holdings' March 24, 2008 response to the Commission may be briefly summarized as follows:

Sandi Holdings' property including its recently refurbished office building is very valuable and assessed in excess of \$8,000,000, which is close to its recent purchase price.

Sandi Holdings' property is too small for PUD consideration and the remaining 4,874 sq. ft. of GFA must be built out for residential use in accordance with the CR zone requirements.

ZONING COMMISSION
District of Columbia

CASE NO. 07-21

EXHIBIT NO. 75

ATLANTA AUSTIN BANGKOK BEIJING BRUSSELS CHARLOTTE DALLAS HOUSTON KNOXVILLE
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The Commission should require that the penthouse/roof structure on the western wall of the proposed PUD hotel be set back 18'6" as an exterior wall based on case precedent and under its power to modify a PUD project pursuant to the zoning regulations.

As demonstrated by reference to the *BNA* case (Z.C. Case No. 06-35), the height of the roof structure with no setback, together with the venting of fumes from the proposed PUD hotel's garage and kitchen on the western wall, will have an adverse impact on Sandi Holding's property in terms of loss of light and air, views, value and ability to attract residential tenants.

The applicant's response filed on March 24, 2008 may be briefly summarized, solely with respect to Sandi's opposition, as follows:

Features will be installed to direct exhaust air from the garage and kitchen in an eastward direction away from Sandi's property.

The roof structure will be set back six inches from the western edge of the roof and will be a "different, more recessive color than the color of the lot line walls" to provide greater contrast between the building walls and the sidewalls of the roof structure.

Shadow studies were submitted to show that the proposed hotel building will not cause any undue or excessive shadows on Sandi's property, especially when compared to a matter of right scenario.

Hypothetical elevations submitted indicate the potential matter of right 90 foot building height of the Sandi building in comparison to the proposed PUD hotel height at 110 feet.

SANDI'S REPLY

We draw to the Commission's attention that the applicant's response concedes the need for ameliorating conditions to protect Sandi's building, as advocated by Sandi's representatives at the hearing, contrary to the applicant's counsel's "stone wall" approach at that hearing. Our brief reply to the applicant's suggested changes is simply that they do not go far enough and are based on a false presumption of hypothetical matter of right height. Sandi has no intention, nor would any other reasonable owner, of razing a recently refurbished (at the cost of several hundred thousand dollars) and functioning office building that cost almost \$8,000,000 in 2007 to build a new building to achieve a 90 foot matter of right height on a very small lot with a maximum FAR of only 6.0.



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As we set forth in our initial response, because of Sandi's small lot size (3,767 sq. ft.) which is not eligible for PUD consideration, it has only 4,874 sq. ft. of buildable GFA remaining (21%) or roughly another 20 feet of building height with some 2,400 sq. ft. of GFA per floor. In order for Sandi to reach a height of 90 feet with such a small land area, the average net leaseable floor size of a new building would be only about 2,000 sq. ft., once the building's core factor is taken into account including elevators, which would render the building functionally obsolete in the marketplace. The end result is that the proposed PUD hotel without a roof structure setback or, for that matter, a nominal or miniscule six inch setback, on the western wall will tower some 70 feet over the Sandi building, including its own roof structure, irrespective of so-called "recessive coloring". The applicant's proposed lack of a meaningful setback, we respectfully submit, pushes the zoning "envelope" too far and is out of character with the heights of other buildings in this particular CR zone, as we have demonstrated at the hearing and as evidenced by the *BNA* case, and is a poor example of urban design.

In conclusion, an 18'6" setback of the penthouse/roof structure on the exterior western wall of the proposed PUD is warranted under the circumstances of this case.

Sincerely yours,

A handwritten signature in black ink that reads "Richard L. Aguglia".

Richard L. Aguglia

cc: By Mail
ANC 2A

By Hand Delivery
Office of Planning
Attention: Steve Cochran

Christopher Collins, Esq.
Holland & Knight

James Hagerty, Esq.