

EXHIBIT 5

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



September 26, 2013

Ms. Christine Moseley Shiker
Holland & Knight LLP
800 17th Street, N.W. - Suite 1100
Washington, DC 20006

Re: Zoning Commission Case No. 05-37/05-37B - 701 2nd Street, N.E. (Lot 49, Square 752)
Modification Per § 2409.6(b)


Dear Ms. Shiker:

This is to confirm the substance of our discussion on Thursday, September 26, 2013, regarding the residential project with ground floor retail approved as a Planned Unit Development ("PUD") by Zoning Commission Order No. 05-37. The original PUD was modified by Zoning Commission Order No. 05-37B to approve, among other things, 375 residential units within a maximum of 373,469 square feet of gross floor area.

Upon final development of construction plans, the project includes a total of 378 residential units within 371,493 square feet of gross floor area. You informed me that the slight increase in units is based on the final layout of all units and results from refinements to the interior arrangement of the building, which is specifically permitted for the PUD (Condition No. 24(a) of Order No. 05-37). You also informed me that the additional three units do not impact window placement or the exterior design of the project.

According to Section 2409.6(b), the Zoning Administrator can approve a change not to exceed 2% in the number of residential units. With the addition of three units, you are requesting a proposed change of 0.8% (3/375). I find that this requested increase is within the scope of permitted modifications pursuant to Section 2409.6(b) and, thus, approve the request for three additional residential units within the permitted gross floor area.

I am copying the Secretary of the Zoning Commission as a report of my decision regarding this modification as per Section 2409.8.

Sincerely, 
Matthew Le Grant
Zoning Administrator

cc: Sharon Schellin, Office of Zoning