RESIDENTIAL OWNERS, INC.
1026 16th Street, N.W.
Washington, D.C. 20036

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July 3, 2002

Zoning Commission of the District of Columbia
441 4th Street, Suite 210
Washington, D.C. 20001

Re: Solar Building
(aka 1601 K Street, N.W.)
Z.C. Case No. 02-24
Square 184, Lot 74
Washington, D.C.

Dear Commissioners:

Presidential Owners, Inc. was a party in Zoning Commission Case No. 98-14C and is, by extension, a party in Case No. 02-24. Based on the plans entered into the record as Exhibit No. 1, as modified by the drawing included in Exhibit No. 5, we hereby **support** the Applicant's request for a minor modification to the approved PUD Order No. 906.

As you know, Presidential Owners opposed the PUD project for two principal reasons: the advancement of the C-4 zoning line toward 16th Street (particularly as it related to the visual impacts that the greater C-4 density/height created) and the placement of the parking garage entrance along Lower 16th Street, which is designated a Special Street in the Comprehensive Plan.

Under the approved PUD, the Applicant intended to retain the above-grade structure of the Solar Building, the configuration of which inhibited their willingness to accommodate our concerns. The Zoning Commission found this circumstance compelling, as well. (See Finding of Fact No. 65 in Order No. 906.) Inasmuch as the Applicant now intends to demolish the above-grade structure of the Solar Building, this has created the opportunity for the Applicant to revisit our concerns.

ZONING COMMISSION
District of Columbia
Case 02-24
Exhibit 13

ZONING COMMISSION
District of Columbia
CASE NO.02-24
EXHIBIT NO.13

The proposed minor modification enhances the design of the project in several ways that are significant to the residents of The Presidential:

- the relocation of parking garage entrance from 16th Street will eliminate potential vehicular and pedestrian conflicts on 16th Street;
- the relocation of the parking garage entrance from 16th Street and the revised Landscaping Plan will protect and enhance the greensward that distinguishes Lower 16th Street;
- the relocation of the penthouse at least ten additional feet from 16th Street will reduce the potential visual intrusion along 16th Street created by the 125-foot, C-4 portion of the project; and
- the additional detailing of the facade enhances the design of the 16th Street elevation.

We concur that the Applicant should be permitted to provide a single additional retail entrance located north of the building entrance along 16th Street and recommend that the conditions of the original PUD Order No. 906 be modified in accordance with the attached amendments.

We note that the Commission's rules regarding minor modifications are articulated at Section 3030.2 (Title 11 DCMR) as, "...modifications of little or no importance or consequence as determined in the sole discretion of the Commission." This proposed minor modification does not change the underlying intent of the original PUD order, but, in fact, enhances the consistency of the project with numerous Comprehensive Plan provisions.

In considering a request for a minor modification, it would also be appropriate for the Commission to consider whether there is anything to be gained from further public hearing. In this case, we are satisfied that the Applicant has made a substantial effort to address our concerns; likewise, the Applicant has the support of ANC-2B (which was also formerly opposed to the PUD application). We would suggest that a further public hearing will provide no additional relevant information for the Commmission to consider.

The residents of The Presidential value the cordial relationship that we have enjoyed with the Applicant despite our differences of opinion. We are especially appreciative of their willingness to reconsider our concerns when the opportunity for further accommodation arose.

We ask the Commission to approve this minor modification request.

Respectfully,

Carol J. Mitten

Carol J. Mitten
President
Board of Directors

PROPOSED AMENDMENTS TO CONDITIONS
FROM Z.C. ORDER NO. 906

1. (No change.)

2. The modified PUD shall be developed in accordance with the plans prepared by WDG, dated May 22, 2002, marked as Exhibit No. 1 and the revised G-1st drawing attached to Exhibit No. 5 in the record, as modified by the guidelines, conditions, and standards herein.

3. (No change.)

4. Landscaping shall be in accordance with the revised G-1st plan attached to Exhibit No. 5 in the record.

5. Retail signage along the 16th Street frontage of the building shall be limited to two signs, neither of which may exceed thirty feet in area. A building identification sign also will be permitted. There shall be no more than two retail entrances along 16th Street in addition to the building entry.

6. (No change.)

7. The garage entrance shall be located either on K Street or from the rear alley. A minimum of forty-two fixed parking spaces or seventy-six managed spaces shall be provided in the garage. The Applicant will remove the existing curb cut on 16th Street. There shall be no signage along 16th Street, permanent or movable, noting the location of the garage entrance.

8. Any valet parking associated with the restaurant will be handled through the garage entry. The valet service may not be located along 16th Street.

9. (No change.)

10. Managed parking shall be provided in the building.

11. (No change.)

12. (No change.)

13. (No change.)

14. (No change.)

15. A. (No change.)

    B. (No change.)

    C. To adjust the exact locations of the retail entrances along 16th Street to accommodate the tenant layout. The landscape plan may be adjusted to accommodate the entrances, provided that the square-foot area of the greenspace along 16th Street shall not be reduced by more than 5% from the square-foot area depicted on the revised Landscaping Plan (G-1st).

16. Given the unique nature of this property and the unique circumstances of this case, as described in the Findings of Fact in Order No. 906, this case shall not serve as and may not be cited as a precedent for the rezoning to C-4 of any other property zoned SP-2 in the 16th Street corridor, or for the introduction of retail uses and entrances thereto in the SP zone.

17. No building permit for this minor PUD modification shall be issued by the Department of Consumer and Regulatory Affairs ("DCRA") until the Applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 906 in the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 906 and this modification order. The recordation of the Notice of Certification shall bind the Applicant and any successors in title to construct on and use the PUD Site in accordance with this modification order and any amendments thereof.

18. (No change.)

19. (No change.)

20. (No change.)