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September 12, 2007

**VIA HAND DELIVERY**

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

2007 09 12 AM 8:36  
DO NOT WRITE  
COMMENTS

Re: Proposed Alternative Plan for M Street Buildings – Waterside Mall  
Modification to First-Stage PUD Approval and  
Application for Second-Stage PUD  
**Zoning Commission Case No. 02-38A**

Dear Members of the Commission:

On behalf of the Applicant in the above-referenced case, attached as Exhibit A please find the proposed alternative for the height and massing of the M Street Buildings. The Applicant, with the consensus of the parties to this case, requests that the record in this case be re-opened only for the purpose of accepting the filing of this document.

In response to concerns raised by the parties to this case (i.e., Advisory Neighborhood Commission 6D (ANC 6D), Tiber Island Cooperative Homes, Inc., and Carrollsburg Square Condominium Association), the Applicant agreed during the public hearing to review the massing of the M Street Buildings in an effort to minimize the appearance of the buildings along M Street. In furtherance of that agreement, the Applicant proposed in its Proposed Findings of Fact and Conclusions of Law and Decision the following flexibility for the design of the M Street Buildings:

Condition No. 8 The First-Stage Plans show a maximum height for the East and West M Street Office Buildings at 114 feet. The Applicant shall have flexibility to increase this maximum height for the East and West M Street Office Buildings in the event that the

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EXHIBIT NO. 93

footprint of the buildings above the first or second floor levels are reduced. A revised design may be submitted to the Zoning Commission as part of the second-stage application for the East and West M Street Office Buildings.

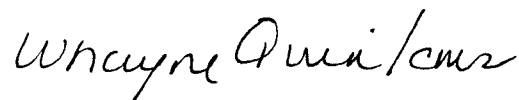
Since that time, the Applicant met with the parties to this case on July 31, 2007, and August 28, 2007, to respond to further questions relating to the potential for re-massing of the M Street Buildings and review alternatives. The Applicant has also met with the Office of Planning, which has indicated support of the alternative plan. As a result of these meetings, the Applicant and the parties have agreed that the attached massing diagram is preferable and, thus, collectively request that the Zoning Commission approve this massing scheme instead of the flexibility requested in the proposed condition No. 8. In its place, the Applicant, with the consensus of the parties, requests that the following condition be approve:

Revised Condition No. 8 The East and West M Street Office Buildings shall have a maximum height of 127 feet, with set backs of approximately 45 feet on the exterior sides generally as shown on the plan in the record at Exhibit \_\_.

The parties have indicated their support of this revised massing, and ANC 6D voted at its regularly-scheduled public meeting on September 10, 2007, to support the revised massing. However, it is the Applicant's understanding that the parties and the ANC continue to want the opportunity to cross-examination Mr. Baranes at the hearing scheduled for September 17, 2007.

We look forward the Commission's consideration of this submission and of proposed action on this matter at its first available opportunity. Should the Commission have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Very truly yours,



Whayne S. Quin



Christy Moseley Shiker

Enclosures

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cc: Parties to Case (***See Attached Proof of Service***)  
Jennifer Steingasser, Office of Planning (Via Hand; w/enc)  
Matt Jesick, Office of Planning (Via Hand; w/enc)

**PROOF OF SERVICE**

I hereby certify that on September 12, 2007, a copy of the foregoing Applicant's Submission of Proposed Alternative Plan for M Street Buildings was served on the following parties:


Advisory Neighborhood Commission 6D  
25 M Street, S.W.  
Washington, DC 20024  
Via Hand Delivery

Max Skolnik  
ANC Commissioner  
700 7<sup>th</sup> Street, SW #610  
Washington, DC 20024  
Via Hand Delivery

Tiber Island Cooperative Homes, Inc.  
429 N Street, SW  
Washington, DC 20024  
Attention: Paul Greenberg  
Via Hand Delivery

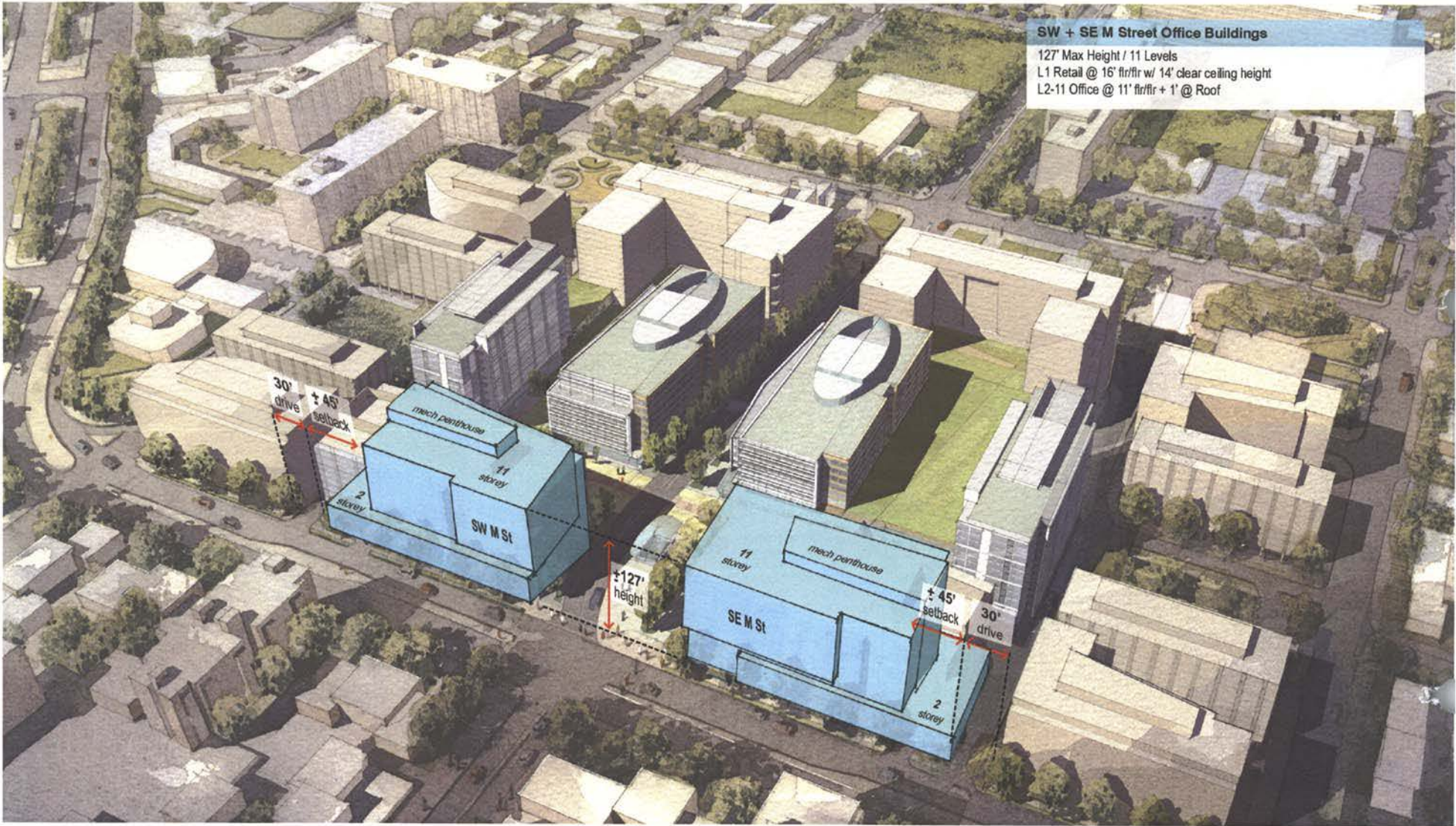
Michael McGovern  
Hanson & Molloy  
1320 19<sup>th</sup> Street, NW, Suite 300  
Washington, DC 20036  
Via Hand Delivery

Carrollsborg Square Condominium Association  
1804 T Street, NW  
Suite One  
Washington, DC 20009  
Attention: Henry Baker  
Via Hand Delivery

  
Christine Moseley Shiker, Esq.  
Holland & Knight

A





**SW + SE M Street Office Buildings**

127' Max Height / 11 Levels  
 L1 Retail @ 16' flr/flr w/ 14' clear ceiling height  
 L2-11 Office @ 11' flr/flr + 1' @ Roof