

LAW OFFICES

**GREENSTEIN DeLORME & LUCHS, P. C.**

WILLIAM H. HARRIS, JR.  
RICHARD G. WISE  
ABRAHAM J. GREENSTEIN  
GILBERT E. DeLORME  
VINCENT MARK J. POLICY  
RICHARD W. LUCHS  
JUDITH R. GOLDMAN  
JACQUES B. DePUY  
JEFFREY H. GELMAN  
ALAN S. WEITZ  
WILLIAM C. CASANO  
JOHN PATRICK BROWN, JR.  
LEWIS F. MORSE  
ROGER D. LUCHS  
JAMES D. SADOWSKI  
DONALD F. HOLMES, JR.

1620 L STREET, N.W., SUITE 900  
WASHINGTON, D.C. 20036-5605  
  
TELEPHONE (202) 452-1400  
FACSIMILE (202) 452-1410  
www.gdllaw.com

ANITRA ANDROM-POWELL  
ABRIELLE B. ANDERSON  
STEPHANIE A. BALDWIN  
RACHEL K. BLACKBURN\*  
LYLE M. BLANCHARD  
GREGORY T. DUMONT  
ALFRED M. GOLDBERG  
JOSHUA M. GREENBERG  
JARED S. GREENSTEIN  
MONIC Y. HALSEY  
DAVID J. WALKER  
MACKENZIE H. YATES\*\*

\*ADMITTED IN FL ONLY  
\*\*ADMITTED IN VA ONLY

December 28, 2007

**BY HAND DELIVERY**

Mr. Anthony Hood  
Chair, Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, D.C. 20001

Re: Zoning Commission Case No. 07-11; (Map and Text Amendments – Southeast Federal Center Overlay District); Proposed Building 160 Amendment

Dear Mr. Hood and Members of the Zoning Commission:

Enclosed please find an original and twenty (20) copies of a proposed text amendment concerning the application of the preferred use requirements to Building 160. Building 160 is the existing historic structure located on the south side of Tingey between 2nd and 3rd Streets, S.E., within the SEFC/R-5-E zone district.

Because Building 160 is located within the SEFC/R-5-E zone district, preferred retail uses are required on it's ground floor according to both the current requirements and the proposed requirements now pending with the Zoning Commission.

As the Commission may recall, at the set down of Z.C. Case No. 07-11, the Office of Planning stated that it recognized the difficulty in meeting all of the technical requirements for the preferred uses within the existing historic Building 160. At the set down public meeting, the Office of Planning noted that it would continue discussions with the Applicant concerning the unique building and stated that refined language concerning the application of the preferred use requirements to Building 160 would be submitted prior to the public hearing. (Please see the attached statement of Joel Lawson, Office of Planning, July 9, 2007).

RECEIVED  
D.C. OFFICE OF ZONING  
2007 DEC 28 PM 2:58

ZONING COMMISSION  
District of Columbia  
CASE NO. 07-11  
EXHIBIT NO. 18  
ZONING COMMISSION  
District of Columbia  
CASE NO. 07-11  
EXHIBIT NO. 18

As per the current requirements of the Overlay, fifty percent (50%) of the ground floor of Building 160 must be dedicated to preferred uses (i.e., 12,845 square feet).<sup>1</sup>

However, because Building 160 is an historic building, the existing column grid and location of exterior walls make full compliance with the current preferred use requirements and the proposed preferred use requirements impractical. Furthermore, Building 160 has a large interior courtyard which breaks up the floor plan of the structure and restricts the potential depth of the ground floor along Tingey and Water Streets. (Please see enclosed ground floor plan). The building's core uses, which are located near the primary street frontages and in areas accessible to the parking garage (which parking garage is located within the courtyard), must compete with the limited amount of ground floor space otherwise available for required preferred uses.

For the foregoing reasons, the Applicant proposes the attached provision with respect to preferred use requirements for Building 160. The proposed amendment would require preferred uses along both the Tingey and Water Street building frontages - to a minimum depth of 45 feet, excluding areas used as lobbies, elevators, stair towers, exit corridors, fire control/mechanical/electrical rooms or parking. This results in approximately 3,000 square feet of retail on Tingey and 6,000 square feet of retail on Water Street (i.e., a total of 9,000 square feet of preferred uses).

Thank you very much for your consideration of this proposed amendment.

Sincerely yours,



Stephanie A. Baldwin

328487v1

cc: Mr. Ramsey D. Meiser, Forest City Washington  
Michael D. Benton, PE, VIK A, Inc.  
Mark E. Gilliland, AIA, Shalom Baranes Associates  
Mr. Joel Lawson, Associate Director, Development Review, Office of Planning  
Mr. Roger Moffatt, Chair ANC 6D  
Ms. Sharon Schellin, Secretary, Zoning Commission  
Jacques B. DePuy, Esquire

---

<sup>1</sup> According to the proposed amendments now pending with the Zoning Commission, the Building would be required to provide preferred uses on the ground floor on both the Tingey Street frontage and the W-0 zone district frontage in an amount equal to 75% of each frontage at a depth of 50 ft. Accordingly, this would require that approximately 5,300 square feet of ground floor space along each frontage be dedicated to preferred uses (i.e., a total of 10,600 square feet of preferred uses).

**Proposed Amendment  
Building 160**

Add a new subsection 1804.3(h) as follows:

1804.3(h) Notwithstanding the requirements of § 1804.3(a), (e) and (g), preferred uses shall be provided on the ground floor of Building 160 along Tingey Street, S.E. and Water Street, S.E., to a minimum depth of forty-five (45) feet measured from the building's (i) northern façade along Tingey Street, S.E. and (ii) southern façade along Water Street, S.E. This provision shall not be applicable to areas used as lobbies, elevators, stair towers, exit corridors, or fire control, electrical or mechanical rooms, or devoted to parking ingress or egress.

**Statement of Joel Lawson, Office of Planning, July 9, 2007**

1 the east of Third Street, S.E. Again, in  
2 subsequent discussions, the applicant has  
3 expressed their concurrence with the OP  
4 position.

5 Section 1804.3A established where  
6 in the Southeast Federal Center R-5-E and D  
7 districts preferred use retail is required.  
8 OP supports the amendments to require the  
9 retail along Tingy Street, which is now  
10 envisioned as the neighborhood serving retail  
11 street, but recommends that preferred uses  
12 should be provided on both Tingy Street and  
13 Water Street, east of Third Street, S.E.

14 In subsequent discussions with the  
15 applicant, concerns regarding the ability to  
16 meet all of the technical requirements for  
17 retail within the existing historic structure  
18 Building 160 were discussed, particularly  
19 since the building is to be converted to  
20 residential use, necessitating a large  
21 internal courtyard which will limit design  
22 options for retail space on the ground floor.

1 This issue requires additional study between  
2 OP and the applicant. But OP recognizes that  
3 there would be difficulty in meeting all of  
4 the technical requirements for the preferred  
5 uses and that it would be preferable to  
6 address these issues in the overlay text.

7 OP is proposing that for the  
8 advertisement, the OP proposal be set down,  
9 but OP will continue discussions with the  
10 applicant and will submit refined language to  
11 note which aspects of the technical  
12 requirements this unique building should not  
13 be required to conform to. And those would be  
14 provided prior to the public hearing.

15 And finally, Section 1804.3B would  
16 allow preferred uses to be located in portions  
17 of the Southeast Federal Center R-5-E and D  
18 districts, where such uses are not actually  
19 required. The applicant has proposed a change  
20 to eliminate a requirement that such optional  
21 preferred use space not be required to be  
22 retained for the life of the building. OP

## Ground Floor Plan

