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

October 11, 2011

By US Mail and Email PDF

John T. Epting
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006

Re: 300 – 320 Riggs Road, NE (Lot 52 of Square 3748) (the "Property") – BZA Order No. 17600, 17600-A, and 17600-B (collectively, the "Orders") – Compliance with Orders

Dear Mr. Epting:

The purpose of this letter is to confirm my interpretation of the applicability of the Orders to the revised project scheme for the Property, as discussed at our meeting of September 21, 2011. It is my understanding that the project has evolved from approximately 420 residential units and approximately 85,000 square feet of grocery and retail space to approximately 345 residential units and approximately 130,000 square feet of grocery and retail space. While the location of the uses and parking has shifted within the site, the project remains a mixed use retail/residential project with parking and loading. The height remains approximately 50 feet and the FAR has been slightly reduced from approximately 2.5 FAR to approximately 2.31 FAR. Upon review of the original plans and current plans dated September 20, 2011, I find that the current plans are in accordance with the approval of the Board of Zoning Adjustment ("**BZA**") under the Orders consistent with 11 DCMR Section 3125. The project remains a "mixed use commercial / residential" building as described in the Orders. The Orders did not contain any other conditions or further description of the project.

The basis for the variance relief granted by the Orders has not changed from that reviewed and approved by the BZA. The variance relief standard was deemed satisfied by the BZA due to the unique constraints that still impact the Property. The site is affected by a significant grade change that was deemed by the Board to be a unique circumstance that created a practical difficulty, as noted on Pages 291-292 of the transcript from the March 20, 2007 hearing on this case ("**Transcript**"). A portion of the Transcript is attached to this letter.

Since the revised project plans function the same as the prior plans and the site conditions remain the same, the property owner still requires variance relief for the 55 foot loading berth provided for a residential building under 11 DCMR Section 2201.1. The property owner will still provide a 30 foot loading berth for the residential component of the project. Further, the

proposed 30 foot loading berth remains in compliance with the Zone Plan as determined by the BZA on Page 295 of the Transcript. The demand for the 55 foot loading berth is still not likely since the project will not attract large scale residential trucks, as noted by the Board on Page 293 of the Transcript. The BZA's conclusion that the variance did not impair the Zone Plan remains intact.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,

Matthew Le Grant

Matthew Le Grant
Zoning Administrator

Attachment –Excerpt of 3-20-2007 BZA Transcript

File: Det let re 300 Riggs Rd NE - BZA #17600 to Epting 10-11-2011