

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



October 16, 2017

Christy Moseley Shiker
Holland & Knight LLP
800 17th Street, NW, Suite 1100
Washington, DC 20006

Re: Development of Record Lot 259, Square 672 - (A&T Lots 854, 855, 856, 857 and 858, Square 672)

Dear Ms. Shiker:

This is to confirm the substance of our discussions on June 29, 2017, regarding the development of the Record Lot 259 in Square 672 ("Record Lot"). The Record Lot is comprised of four development parcels, as shown on the attached plat, each of which is being developed separately but all of which will comprise a single building for zoning purposes on the Record Lot.

The four development parcels are shown on the attached plat and include the following:

Address	A&T Lot	Status
1200 First Street, NE ("1200 First")	Lot 856, Square 672	Constructed in or around 2009 and currently occupied
88 M Street, NE ("88 M")	Lot 855, Square 672	B1307538 issued on March 24, 2014, as modified by Building Permit B1612021, filed on August 17, 2016, and issued on August 1, 2017
44 M Street, NE ("44 M")	Lots 854 and 857, Square 672	Building Permit B1505711 filed on March 25, 2015, and issued on June 30, 2017
22 M Street, NE ("22 M")	Lot 858, Square 672	Under construction pursuant to Building Permit B1612100 issued on December 9, 2016

Under the 1958 Zoning Regulations, the Record Lot was zoned C-3-C and was located within the North Capitol Receiving Zone for transferable development rights ("TDRs"). On

September 6, 2016, the 1958 Zoning Regulations were repealed in their entirety and replaced by the 2016 Zoning Regulations. Under the 2016 Zoning Regulations, the Record Lot is zoned D-5.

Subtitle A §§ 102.1, 102.2 of the 2016 Zoning Regulations provides that a project is considered to have vested development rights (Vested Project) if an application for a building permit was officially accepted by the Department of Consumer and Regulatory Affairs as being complete prior to September 6, 2016, if the building permit plans are consistent with the 1958 Zoning Regulations. Each of the development parcels of the single building on the Record Lot are Vested Projects based on the date of submission and acceptance of the building permit applications and issuance of the building permits prior to September 5, 2017.

Subtitle A § 102.6 indicates that a project that utilizes vested rights under the 1958 Regulations shall be subject only to the provisions of the 1958 Regulations, unless approved as a modification by the regulating authority. Therefore, construction of the improvements on 44 M and 88 M will be subject to the 1958 Zoning Regulations.

The plans included with the building permit plans, relevant copies of which are attached as Tab 1 (plan sheets from the approved set of building permit plans for 44 M) and Tab 2 (plan sheets from the pending set of building permit plans for 88 M and which has already been approved by Zoning) show the meaningful connections between 44 M and 22 M (under construction) and between 88 M and 1200 First (constructed). These meaningful connections each comply with the 1958 Zoning Regulations definition of “building”, which both the Board of Zoning Adjustment and the Zoning Administrator's office have interpreted to include covered connectors, provided that the roof is at least 51 percent solid and provides the necessary supporting columns or walls. This office has further found that if trellis-type roof is used, it must be at least 51% solid, with the horizontal members being at least 24” or closer on center.

Because each of the meaningful connections has been determined to be sufficient to meet the requirements of the 1958 Zoning Regulations, each meaningful connection may be constructed pursuant to the issued building permits. If each meaningful connection is constructed prior to expiration of the 44 M Building Permit and the 88 M Building Permit, then each meaningful connection will be grandfathered under the 1958 Zoning Regulations and be permitted to be maintained as the required single building connection.

Any subsequent amendment to the 44 M Building Permit or the 88 M Building Permit for new construction would be subject to compliance with the 2016 Zoning Regulations. Any meaningful connection not constructed pursuant to these building permits would be subject to compliance with the 2016 Zoning Regulations.

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I believe that I have addressed the issues which we discussed and agreed upon. Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments:

Attachment A: Plat
Tab 1: 44 M Meaningful Connection Plans
Tab 2: 88 M Meaningful Connection Plans