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August 2, 2005

BY HAND

Jerrily R. Kress, FAIA
Director
Office of Zoning
441 4th Street, N.W., Suite 210-S
Washington, D.C. 20001

Re: Order in BZA Application No. 17276
2101 Foxhall Road, N.W.; Square 1346, Lot 822

Dear Ms. Kress:

It has come to my attention that the order in the above-referenced matter requires a minor correction. I have spoke to Alan Bergstein, Office of the Attorney General, and your staff, and as a result of those conversations, I submit this letter to seek the requested correction.

On page 10 of the Order, it states that section 2516.6 (c) requires all vehicular ingress and egress to be a minimum of 25 feet in width, which need not be paved for the entire width. The Order goes on to state that "[a]s stated above, all internal roadways will be 30 feet in width. (Finding of Fact 12)." Finding of Fact 12 states that "[t]he widths of the internal roads will be a minimum of thirty feet." The Board's conditions provide that construction shall be consistent with Exhibit 50, Tab 5 of the Record.

Actually, only one of the internal roadways is at least thirty feet in width, all of which is not paved, and that is the center roadway. The other roadways are twenty-eight feet in width, still greater than the minimum requirement. Apparently, the draft order submitted by us contained a mistake regarding the widths based on a misreading of a footnote in our pre-hearing statement (footnote 8) where we stated, that

> Exhibit N of the Application erroneously refers to the internal street that runs behind the matter-of-right houses along Foxhall Road and W Street as "alleys". Section A on the plans submitted in Exhibit N to the Application has been updated so that the paved road way is twenty-two feet (22') with a four foot (4') unpaved buffer and a four foot (4') sidewalk on one side. Thus, all roadways are, in fact, streets that will comply with the requirements of section 2516.6 of the zoning regulations.

BZA
Case No. 17276
Exhibit No. 70

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 70

The four foot (4') sidewalk was not part of the internal right of way, and the revised plans subsequently submitted, and relied upon by the Board, show the widest width of the right-of-way is approximately eighty-two (82') feet in the area of the widest portion of the tear drop island. While typically the narrowest width is twenty-eight (28') feet, the applicant would like to reserve the right to meet section 2516.6 (c) minimum standards when on-site conditions require. As an illustration, the applicant's tree preservation commitment demands the installation of special-purpose engineered walls which may result in one of a kind conditions.

Since the Board's Order is conditioned upon complying with the referenced plans, we could simply follow those conditions. However, if you believe that the other portions of the Order need to be corrected, then it may suffice that the Order state that internal roadways will be at least twenty-five (25') feet in width, as required.

Thank you for your attention to this matter.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler

cc: Cliff Moy, Secretary to the BZA
Mr. Felipe Paraud
Advisory Neighborhood Commission 3D
Office of Planning, Joel Lawson
Certain Residents of W Street, etc
Ms. Chandra Hardy
William Snape, III, Esquire