

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



April 9, 2013

Christy Moseley Shiker
Holland & Knight LLP
800 17th Street, N.W. - Suite 1100
Washington, DC 20006

Re: 2337 Champlain Street, N.W. Lot 887, Square 2563

Dear Ms. Shiker:

This is to confirm the substance of our discussions on January 23, 2013, regarding the proposed development of the property located as 2337 Champlain Street, NW (Lot 887 in Square 2563) (the "Site"). You requested that I review whether certain revisions could be made to the project previously approved by the Board of Zoning Adjustment ("BZA").

Background

The Site is zoned R-5-B and is located within the Reed Cooke ("RC") Overlay District. The Site has been used as a surface parking lot and is currently vacant. In November, 2011, FCP Champlain, LLC ("Owner") submitted an application to the Board of Zoning Adjustment (the "Board" or "BZA") to permit the development of a residential building (the "Residential Building") with the following areas of zoning relief: (1) a special exception under § 1404 to allow an increase in height from 40 feet to 48 feet in the RC Overlay; and (2) a variance from §402 to allow an increase of 0.25 FAR above the allowable FAR of 1.8.

The Erie Condominium Association ("Association"), comprised of the owners of units in the building located at 2351 Champlain Street, N.W. (the "Erie"), immediately north of and abutting the Site, participated as a party in opposition to the application. The Association primarily objected to the Residential Building with respect to its alleged adverse effect on the light and air to the Erie, including the light and air to the lower level patios, and diminished enjoyment of the Association's roof decks because of perceived impact on the views from the roof decks and issues of privacy.

On May 22, 2012, the Board voted to approve the application. The Board issued Order No. 18330 dated July 26, 2012, a copy of which is attached. The Association and Richard Weidis, a unit owner in the Erie, appealed the case to the Court of Appeals following issuance of the Order.

Approved Residential Building and Proposed Modification

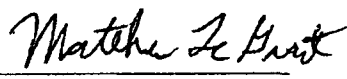
BZA Order No. 18330 approved the Residential Building to have a maximum zoning height of 48 feet. Based on the approved plans, a copy of which is attached, the Residential Building's roof height was approved at 198 feet, 10 inches and the parapet was approved at 199 feet, 11 inches. A roof structure having a height of 9 feet and meeting the set back requirements was also approved.

In an effort to address the Association's and Mr. Weidis's concerns, your client has agreed to reduce the height of the Residential Building by at least 12 inches from the height approved in BZA Case No. 18330. Accordingly, the roof elevation of the Residential Building will be reduced to a maximum of 197 feet, 10 inches. In addition, your client proposes reducing the parapet from the approved elevation of 199 feet, 11 inches, to a height equal to the existing parapet of the Erie, which is 199 feet, 6 inches.

You have provided to me elevations and sections showing the almost imperceptible impact of these two changes to the overall elevation of the Residential Building. In Finding No. 20, the Board found that the height of the Residential Building will be compatible with the surrounding area, being appropriate to the Erie building immediately adjacent on the north and the approved Brass Knob development immediately adjacent on the south, as well as the overall area. The Board noted that the lowered height from the original submission (i.e., from 50 to 48 feet) supported that finding. Accordingly, this further reduction to 47 feet in height will continue to be compatible and have less impact on the Erie.

Based on my consideration of the foregoing, I believe that the proposed modifications are within the scope of the plans approved by the BZA. The proposed modifications reduce the extent of the special exception relief approved by the BZA and do not create any other area of nonconformity. Furthermore, the impact of the Residential Building is even less with the slightly reduced height. Therefore, upon proper presentation of plans, I will approve a building permit application for this proposed development with the modifications described above and as shown on the plans that you presented to me as being in compliance with BZA Order No. 18330.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Board of Zoning Adjustment Order No. 18330
Approved and Proposed Elevations and Sections

File: Det Let re 2337 Champlain St NW to Shiker 4-9-13