

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

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April 20, 2007

John Epting
David Avitabile
Pillsbury Winthrop Shaw Pittman
2300 N St NW
Washington, DC 20037.1122

Re: 2175 K St NW & West End Place

Gentlemen:

You have asked me for a determination of whether the structures referred to above constitute one building or two for the purposes of the applicability of section 1709.20 of the Zoning Regulations of the District of Columbia.

After careful consideration of our discussions and your memorandum of April 18, 2007, as well as three site visits, it is my determination that these are two buildings.

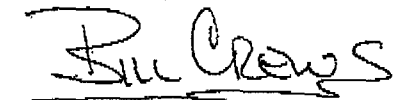
While the two buildings were permitted on one building permit, this is not controlling.

I believe the controlling aspect is the definition of building which requires an above grade connection for structures to be considered one building. These two buildings have no above grade communication. The alleged communication you showed me is below grade and below the main floor of both buildings contrary to your representation. In addition either building could be razed without affecting the other.

Section 1709.20 was adopted after these buildings were built. I believe it is exactly this situation that the Zoning Commission was addressing in adopting Section 1709.20. Section 101 of the Zoning Regulations require me to consider the provisions of the regulations to be the minimum requirements and mandate a strict interpretation of the regulations.

I will be happy to discuss this determination with you after my return to the office on April 30.

Best regards,



Bill Crews
Zoning Administrator

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17667

EXHIBIT NO. 4

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Phone: (202) 442-4576 Fax: (202) 442-4871

Board of Zoning Adjustment
District of Columbia
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