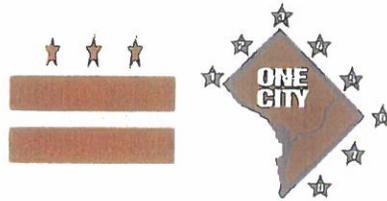


GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



February 10, 2014

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

Re: 2337 Champlain Street, NW Lot 887, Square 2563

Dear Ms. Shiker:

This letter is to confirm the substance of my discussions with Brian Papke on November 14, 2013, and the follow up email correspondence with you in January 2014, regarding the proposed building design revisions for the project located at 2337 Champlain Street, NW (Lot 887 in Square 2563) (the "Site"). The project will be known as "The Morgan". You and Mr. Papke requested that I review whether certain revisions could be made to the project previously approved by the Board of Zoning Adjustment ("BZA"), as shown on the plans attached to this letter and dated December 9, 2013.

The site is zoned R-5-B and is located in 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 ("BZA") to permit the development of a residential building ("Residential Building") with the following areas of zoning relief: (1) a special exception under section 1404 to allow an increase in height from 40 feet to 48 feet in the RC Overlay; and (2) a variance from section 402 to allow an increase of .25 FAR above the allowable FAR of 1.8.

On May 22, 2012, the Board voted to approve the application, copy of which is attached. On May 22, 2012, the Board voted to approve the application. The Board issued Order No. 18330 dated July 26, 2012 ("Order No. 18330"), a copy of which is attached.

On April 9, 2013, my office published a determination letter regarding a change in the overall building height. Order No. 18330 approved the Residential Building to have a maximum zoning height of 48 feet. Based on the approved plans, the Residential Building's roof height was approved at 198 feet, 10 inches and the parapet was approved at 199 feet, 11 inches, with a roof structure extending above the roof. The applicant requested that the roof elevation be reduced by 12 inches, to a maximum of 197 feet, 10 inches and that the height of the parapet be reduced from the approved elevation of 199 feet, 11 inches, to an elevation of 199 feet, 6 inches. In that letter, I agreed that the proposed modification was within the scope of the Order No.

18330. The changes outlined reduced the extent of the special exception relief approved by the BZA and did not create any other area of nonconformity.

Since that letter, the Site has been sold to a new owner. The new owner of the Site is considering revisions to the approved plans to make the project more financially feasible to construct and to create more efficiency in the design. The proposed changes include the following: relocating the parking access from the alley to the south side of the Site; relocating the pedestrian entrance to the north end of the Site; and eliminating the central courtyard and replacing it with conforming side yards to create efficiencies within the Residential Building and to set the Residential Building further from each of the abutting properties. The proposed changes are all designed to be within the scope and intent of BZA approval in Order No. 18330. The general design and architectural treatment of the exterior façade, including the proposed materials, are the same as approved in Order No. 18330. In addition, the revisions will not change any area of relief and will not create any new areas of nonconformity.

In regards to (1) – the special exception (and subsequent letter modifying) to increase the building height is maintained in the revised design. By keeping the building the same height as the previous building design and matching the parameters for roof structure setback and other regulations, the proposed modified building plans will be consistent with Order No. 18330. In addition, the proposed roof structure and roof decks will be reduced in overall size and comply with Section 411 of the Zoning Regulations. The reduction in size minimizes the impact on the views from the adjacent Erie Condominium building to the north. The owner also proposes to keep access to the roof decks and access structure private to seven individual units in the building and not common to the entire building.

In regards to (2) – the variance from section 402 to allow an increase of 0.25 FAR does not change with the proposed revisions. All of the same practical difficulties as listed in the previous BZA order apply to the site. The modifications to the design result in a building that has essentially the same building coverage area (8,309 square feet), and slightly less gross floor area (33,370 square feet provided, as compared to the 33,385 square feet approved in Order No. 18330). By switching the garage ramp entry to the south side of the Site, the Residential Building can be lowered slightly which converts additional space on that level to cellar area. As shown on Sheet A-2 of the attached plans, the areaways which are small in size, intended to only provide light and air, and not accessible have not been included in the FAR calculation. Those areas which are accessible and are larger than the areaways have been included in the FAR calculation through a perimeter wall calculation. In addition, by moving the pedestrian main entry towards the north side of the lot, the need to have a lower ‘split-level’ entry has been eliminated. These changes are possible due to the elimination of the central courtyard and set back of the Residential Building from the side lot lines. The number of residential units in the Residential Building does not change from that approved in Order No. 18330, and the off-site parking will be provided in accordance with the Zoning Regulations.

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Based on my review of the attached revised plans, I believe that the proposed modifications are within the scope of the plans approved by the BZA in Order No. 18330. Overall, the proposed plan modifications will have an imperceptible impact on the architectural design and façade of the project. The modifications will also reduce the impact on the views from the roof of the adjacent property to the north. In addition, the proposed modifications will reduce or maintain the extent of special exception and variance relief approved in Order No. 18330 and will not create any new areas of nonconformity.

Accordingly, upon proper presentation of plans for a building permit, I will approve drawings that are consistent with the plan modifications and drawings as noted above as being in compliance with Order No. 18830.

Please let me know if you have further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachments: Revised Plans Dated December 9, 2013
Board of Zoning Adjustment Order No. 18330
April 9, 2012, Zoning Administrator Determination Letter

File: Det Let re 2337 Champlain Street NW to Shiker 2-10-14