

WILKES, ARTIS, HEDRICK & LANE

CABLE ADDRESS: WILAN
FAX: 202-457-7814

CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1800 K STREET, N. W.

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

STEVEN E. SHEH
DIRECTOR OF ZONING SERVICES
202-457-7828

WASHINGTON, D. C. 20006-2897
(202) 457-7800

August 11, 1998

BY HAND

RECEIVED
8/11/98

Ms. Gladys Hicks
Deputy Zoning Administrator
Room 338
614 H Street, N.W.
Washington, D.C. 20001

Re: Addition to 2251 Wisconsin Avenue, N.W.

Dear Ms. Hicks:

This is to confirm our review of the applicability of the Zoning Regulations to the proposed addition to the existing building at 2251 Wisconsin Avenue, N.W. (Square 1300, lots 984 and 992). The property is currently zoned NO/C-2-A (i.e., the C-2-A District and the Naval Observatory Precinct District overlay), except for the rear thirty feet of the property which is zoned R-1-B. The property contains approximately 40,777 square feet of land area.

The proposed addition would be an "L" shaped wing at the rear of the existing building. The addition would be located entirely within the portion of the lot zoned C-2-A. The building with the addition would be used for retail, art gallery, health club and office uses, all commercial uses permitted as a matter-of-right. The building would contain approximately 42,000 square feet of gross floor area, well less than the maximum permitted gross floor area, which, at 1.5 FAR, is approximately 61,166 square feet.

The NO overlay specifies a different method for measuring the permitted height of a building than is specified in the definition of "Building, height of" for a district in which the height is limited to forty feet. Under §1534.1, the maximum height in the NO overlay is limited to forty feet. However, under §1534.2(a), the height must be measured from "the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet." You concluded that the more specific requirements of the NO District take precedence over the ability to measure to the ceiling of the top story.

WILKES, ARTIS, HEDRICK & LANE
CHARTERED

Ms. Gladys Hicks
August 11, 1998
Page 2

Under §1534.2(b), the level of the curb (the actual point of measurement) is "the average elevation of the site from its front line to its rear line." You advised that the "average elevation" would be the arithmetic average between the elevation of the site at the midpoint of the front and rear property lines. In this case, assuming that the midpoint at the front is elevation ±98 and the midpoint at the rear is elevation ±70, the average elevation would be ±84. The actual dimensions and grades would be taken from a survey, to obtain the precise and correct elevations and dimensions.

The rear line of the building will not extend past the thirty foot line which is the boundary between the C-2-A and R-1-B Districts. The C-2-A District requires a rear yard of fifteen feet. We concluded that the portion of the property in the R-1-B District could serve as the required rear yard for the building. You further indicated that a driveway ramp leading to parking spaces located in their entirety on the C-2-A portion of the property could cross the R-1-B portion of the property.

I would appreciate your confirming this analysis by signing a copy of this letter below and returning it to me. Thank you for your consideration and assistance. Feel free to call if you have any questions.

Sincerely,



Steven E. Sher
Director of Zoning Services

Confirmed as complying
with the Zoning Regulations


Gladys Hicks
Deputy Zoning Administrator

9/4/98
Date