

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



January 20, 2011

Charles Barber
The George Washington University
2100 Pennsylvania Avenue, NW, Suite 250
Washington, DC 20052

Re: Zoning Determination Letter
2000-2004 G Street NW (Square 103, Lots 26, 27, and 28) (the "Property")

Dear Mr. Barber:

The purpose of this letter is to summarize the issues that we reviewed in our meeting on December 14, 2010. As we discussed, The George Washington University (the "University") has proposed to renovate the existing townhouses on the Property (the "Project"). The Property is located in the R-5-D zone district as well as within the boundaries of the approved Foggy Bottom Campus Plan, which was approved by the Zoning Commission in Order No. 06-11/06-12 (the "Order").

As we discussed, the University intends to renovate the existing buildings on the Property and reconfigure them into a single connected building.¹ See plans attached as Exhibit A. As a part of this renovation, the University will construct stairwells, elevators, and bathrooms, as well as ramps that provide access to these features and connect the floors in the existing buildings which vary from building to building (the "Work"). You have indicated that these improvements are necessary to adhere to the requirements of the building code that are triggered by the building reconfiguration, and include improvements required to provide access to persons with disabilities.

A. Additional Gross Floor Area Under Condition P-2 of the Order

Pursuant to Condition P-2 of the Order: "Except for minor renovation projects including those necessary to address building code compliance, no development on Campus resulting in additional density or change in use may be undertaken by the University unless approved by the Commission in accordance with [the Order]" (emphasis added). Based on the language in this condition, I conclude that the Commission intended to permit the University to add gross floor

¹ In connection with the proposed Work, the University will seek approval for a subdivision to combine the existing lots into a single lot of record.

area to or change the use of its existing properties within the campus plan boundaries, provided that the additional GFA or change in use is “minor.”

You have indicated that the University must construct additional gross floor area on the Property in order to accommodate the required stairwells, elevators, bathrooms, and connecting ramps required as a part of the Work. You further indicated that placing these features within the framework of the existing buildings would be impractical because the existing floors vary from building to building, and would require extensive ramping within the existing building.

Based on the foregoing, I conclude that the proposed increase in density on the Property is permitted under Condition P-2 of the Order, because the additional gross floor area is associated with a minor renovation project and is needed to address building code compliance.

B. Additional Lot Occupancy Under Section 407 of the Regulations

Under Section 403, a maximum lot occupancy of 75% is permitted in the R-5-D Zone District. Section 407 permits up to an additional two percentage points of lot occupancy at the discretion of the Zoning Administrator, provided that the Zoning Administrator deems that the deviation will not impair the purpose of the lot occupancy regulatory requirement.

Here, you have indicated that the proposed Work will result in an increase in the total percentage of lot occupancy above the 75% threshold. You further indicated that the total lot occupancy would not exceed 77%, which is 75% plus two additional percentage points.

The purpose of the lot occupancy requirements is to ensure the provision of adequate light, air, and privacy for residential properties. As we discussed, the proposed deviation from the lot occupancy requirement will not impair the purpose of the requirement for the following reasons:

- (1) The adjacent property to the west and south is also owned by the University.
- (2) The property to the south is separated from the Property by a 16-foot wide alley
- (3) The property to the west has been designated as a second-stage PUD development site permitting a maximum height of 80 feet and lot occupancy of 90%

Based on the foregoing evidence that the requested deviation from the lot occupancy requirement will not impair the purpose of the Zoning Regulations, I conclude that the increase in lot occupancy is permitted provided that the total lot occupancy on the Property does not exceed 77%.

C. Height

Under Section 401, a total height of 90 feet is permitted in the R-5-D Zone District. You have indicated that the height of the proposed Work will be a maximum of approximately 52 feet. I conclude that the proposed height of the Work is permitted under the Zoning Regulations.

D. Rear Yard

Under Section 404, a rear yard of 4 inches per foot of height, but not less than 15 feet, is required in the R-5-D Zone District. As we discussed, the existing structures on the Property do not conform to the rear yard requirement.

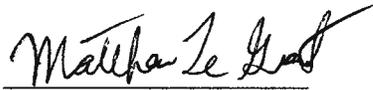
Under Section 2001.3, additions to nonconforming structures are permitted provided that (a) the structure shall conform to the lot occupancy requirements and (b) the addition conforms to the Zoning Regulations and does not increase an existing nonconformity or create a new nonconformity.

Here, as discussed above, the Work shall comply with the lot occupancy requirements. In addition, you have indicated that the addition will conform to the rear yard requirements, which is approximately 17.3 feet based upon a proposed maximum height of approximately 52 feet. Therefore, I conclude that the proposed Work will conform to the rear yard requirements of the Zoning Regulations.

Conclusion

Based on the foregoing, I conclude that the additional gross floor area and lot occupancy associated with the proposed Work is permitted under the Zoning Regulations. I also conclude that the Work will comply with the height and rear yard requirements. Please let me know if you have further questions.

Sincerely,



Matthew Le Grant

Zoning Administrator

cc: David Avitabile, Goulston & Storrs, PC

Attachment – Exhibit A Plans